

SENATE BILL No. 924

March 22, 2018, Introduced by Senator KOWALL and referred to the Committee on Government Operations.

A bill to amend 1968 PA 330, entitled "Private security business and security alarm act," by amending sections 2, 29, and 30 (MCL 338.1052, 338.1079, and 338.1080), section 2 as amended by 2012 PA 581, section 29 as amended by 2010 PA 68, and section 30 as amended by 2000 PA 411.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) As used in this act:

2 (a) "Commission" means the commission on law enforcement
3 standards created under section 3 of the **MICHIGAN** commission on law
4 enforcement standards act, 1965 PA 203, MCL 28.603.

5 (b) "Department" means **1 OF THE FOLLOWING, AS APPLICABLE:**

6 (i) **EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii)**, the department of
7 licensing and regulatory affairs. ~~, except that in reference to~~

8 (ii) **IN CONNECTION WITH** the regulation of private security

1 police and private college security forces, ~~department means the~~
2 department of state police.

3 (c) "Governing board" means a board of regents, board of
4 trustees, board of governors, board of control, or other governing
5 body of an institution of higher education.

6 (D) "LEGALLY ORGANIZED ENTITY" INCLUDES, BUT IS NOT LIMITED
7 TO, AN ASSOCIATION, CORPORATION, PARTNERSHIP, PROPRIETORSHIP,
8 TRUST, FOUNDATION, NOT-FOR-PROFIT, SCHOOL DISTRICT, FEDERALLY
9 RECOGNIZED INDIAN TRIBE, OR INSTITUTION OF HIGHER EDUCATION.

10 (E) ~~(d)~~ "Licensee" means a person **THAT IS** licensed under this
11 act.

12 (F) ~~(e)~~ "Person" means an individual, limited liability
13 company, corporation, or other legal entity.

14 (G) ~~(f)~~ "Private college security force" means a security
15 force authorized under section 37.

16 (H) ~~(g)~~ "Private security guard" means an individual or an
17 employee of an employer who offers, for hire, to provide protection
18 of property on the premises of another, and includes an employee of
19 a private college security force.

20 (I) ~~(h)~~ "Private security police" means ~~that~~ **EITHER OF THE**
21 **FOLLOWING, BUT DOES NOT INCLUDE A PRIVATE COLLEGE SECURITY FORCE:**

22 (i) **THAT** part of a business organization or educational
23 institution primarily responsible for the protection of property on
24 the premises of the business organization, ~~but does not include a~~
25 ~~private college security force.~~ **OR EDUCATIONAL INSTITUTION.**

26 (ii) **A LICENSEE THAT IS ENGAGED BY A LEGALLY ORGANIZED ENTITY**
27 **TO PROVIDE PROTECTION ON THE PREMISES OF THE LEGALLY ORGANIZED**

1 **ENTITY.**

2 (J) ~~(i)~~—"Security alarm system" means a detection device or an
3 assembly of equipment and devices that is arranged to signal the
4 presence of a hazard that requires urgent attention and is remotely
5 monitored by a central monitoring system. Security alarm system
6 includes any system that can electronically cause an expected
7 response by a law enforcement agency to a premises by means of the
8 activation of an audible signal, visible signal, electronic
9 notification, or video signal, or any combination of these signals,
10 to a remote monitoring location on or off the premises. Security
11 alarm system does not include any of the following:

12 (i) A video signal that is not transmitted over a public
13 communication system.

14 (ii) A fire alarm system.

15 (iii) An alarm system that monitors temperature, humidity, or
16 other condition that is not directly related to the detection of an
17 unauthorized intrusion into a premises or an attempted robbery at a
18 premises.

19 (iv) A system that is not monitored by a central monitoring
20 station and does not set off an audible alarm.

21 (K) ~~(j)~~—"Security alarm system agent" means an individual **WHO**
22 **IS** employed by a security alarm system contractor whose duties
23 include the altering, installing, maintaining, moving, repairing,
24 replacing, selling, servicing, monitoring, responding to, or
25 causing others to respond to a security alarm system.

26 (L) ~~(k)~~—"Security alarm system contractor" means a person **THAT**
27 **IS** engaged in the installation, maintenance, alteration,

1 monitoring, or servicing of security alarm systems or who responds
2 to a security alarm system. Security alarm system contractor does
3 not include a business that only sells or manufactures security
4 alarm systems unless the business services security alarm systems,
5 installs security alarm systems, monitors or arranges for the
6 monitoring of a security alarm system, or **THAT** responds to security
7 alarm systems at a protected premises.

8 (M) ~~(I)~~—"Security business" means a person **THAT IS** engaged in
9 offering, arranging, or providing 1 or more of the following
10 services:

11 (i) Security alarm system installation, service, maintenance,
12 alteration, or monitoring.

13 (ii) Private security guard.

14 (iii) Private security police.

15 (2) ~~All businesses that provide~~ **EXCEPT AS PROVIDED IN**
16 **SUBSECTION (5), A PERSON THAT IS ENGAGED IN THE BUSINESS OF**
17 **PROVIDING** security alarm systems for the protection of persons and
18 property and whose employees and security technicians travel on
19 public property and thoroughfares in the pursuit of their duties
20 ~~are~~ **IS** subject to this act.

21 (3) A communications common carrier that provides
22 communications channels under tariffs for the transmission of
23 signals in connection with an alarm system is not subject to this
24 act.

25 (4) A railroad ~~policeman~~ **POLICE OFFICER** who is appointed and
26 commissioned under the railroad code of 1993, 1993 PA 354, MCL
27 462.101 to 462.451, is not subject to this act.

1 (5) A system provider, as defined in section 2 of the security
2 alarm systems act, **2012 PA 580, MCL 338.2182**, that is registered
3 **WITH THE DEPARTMENT** under the security alarm systems act, **2012 PA**
4 **580, MCL 338.2181 TO 338.2187**, is not subject to this act.

5 Sec. 29. (1) The **DEPARTMENT OF STATE POLICE SHALL ADMINISTER**
6 **THE** licensure of private security police and private college
7 security forces. ~~shall be administered by the department of state~~
8 ~~police.~~The application, qualification, and enforcement provisions
9 under this act apply to private security police and private college
10 security forces, except that the ~~administration of~~ **DEPARTMENT OF**
11 **STATE POLICE SHALL ADMINISTER** those provisions ~~shall be performed~~
12 ~~by, and the payment of~~ **AND** the appropriate fees shall be paid to ,
13 the department of state police. The director of the department **OF**
14 **LICENSING AND REGULATORY AFFAIRS** may jointly promulgate rules with
15 the department of state police under the administrative procedures
16 act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to facilitate the
17 bifurcation of authority described in this subsection.

18 (2) This act does not require licensing of any private
19 security guards employed for the purpose of protecting the property
20 and employees of their employer and generally maintaining security
21 for their employer. However, any ~~person, firm, limited liability~~
22 ~~company, business organization ,~~ **OR** educational institution , ~~or~~
23 ~~corporation maintaining a~~ **THAT EMPLOYS** private security police
24 ~~organization or~~ **OFFICERS OR OFFICERS OF** a private college security
25 force may voluntarily apply for licensure under this act. ~~When~~

26 (3) **IF** a private security police employer or private college
27 security force employer ~~as~~ described in this section provides the

1 AN employee with a pistol for the purpose of protecting the
 2 property of the employer, the pistol ~~shall be~~ **IS** considered the
 3 property of the employer and the employer shall retain custody of
 4 the pistol, except during the actual working hours of the employee.
 5 ~~All such private security people shall be~~

6 (4) AN EMPLOYEE OF A PRIVATE COLLEGE SECURITY FORCE OR PRIVATE
 7 SECURITY POLICE IS subject to the provisions of sections 17(1) and
 8 19(1).

9 (5) PRIVATE SECURITY POLICE THAT IS A PERSON DESCRIBED IN
 10 SECTION 2(1)(I)(ii) MUST OBTAIN A LICENSE UNDER THIS ACT TO PROVIDE
 11 PROTECTION ON THE PREMISES OF A LEGALLY ORGANIZED ENTITY THAT HAS
 12 ENGAGED IT TO PROVIDE THAT PROTECTION.

13 Sec. 30. (1) ~~A AN OFFICER OF private security police officer,~~
 14 ~~as described in section 29, who is properly licensed under this act~~
 15 29(2) has the authority to arrest a ~~person~~ **AN INDIVIDUAL** without a
 16 warrant as set forth for public peace officers in section 15 of
 17 chapter IV of the code of criminal procedure, 1927 PA 175, MCL
 18 764.15, ~~when that private security police officer is on the~~
 19 ~~employer's premises. Such authority is limited to his or her~~ **IF ALL**
 20 **OF THE FOLLOWING ARE MET:**

21 (A) THE OFFICER IS PROPERLY LICENSED UNDER THIS ACT.

22 (B) THE ARREST OCCURS ON THE PREMISES OF THE LICENSEE THAT
 23 EMPLOYS THE OFFICER.

24 (C) THE ARREST IS MADE DURING THE OFFICER'S hours of
 25 employment as a private security police officer. ~~and does not~~
 26 ~~extend beyond the boundaries of the property of the employer and~~
 27 ~~while the~~

1 (D) THE private security police officer is in the full uniform
2 of ~~the~~ HIS OR HER employer AT THE TIME OF THE ARREST.

3 (2) AN OFFICER OF PRIVATE SECURITY POLICE DESCRIBED IN SECTION
4 29(5) HAS THE AUTHORITY TO ARREST AN INDIVIDUAL WITHOUT A WARRANT
5 AS SET FORTH FOR PUBLIC PEACE OFFICERS IN SECTION 15 OF CHAPTER IV
6 OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 764.15, IF ALL
7 OF THE FOLLOWING ARE MET:

8 (A) THE OFFICER'S EMPLOYER IS PROPERLY LICENSED AS PRIVATE
9 SECURITY POLICE UNDER THIS ACT.

10 (B) THE ARREST OCCURS ON THE PREMISES OF THE LEGALLY ORGANIZED
11 ENTITY THAT ENGAGED THE OFFICER'S EMPLOYER TO PROVIDE PROTECTION ON
12 THOSE PREMISES.

13 (C) THE ARREST IS MADE DURING THE HOURS THE OFFICER IS
14 ASSIGNED TO WORK AS A PRIVATE SECURITY POLICE OFFICER ON THE
15 PREMISES OF THE LEGALLY ORGANIZED ENTITY THAT ENGAGED THE OFFICER'S
16 EMPLOYER TO PROVIDE PROTECTION ON THOSE PREMISES.

17 (D) THE PRIVATE SECURITY POLICE OFFICER IS IN THE FULL UNIFORM
18 OF HIS OR HER EMPLOYER AT THE TIME OF THE ARREST.

19 Enacting section 1. This amendatory act takes effect 90 days
20 after the date it is enacted into law.