

Act No. 326
Public Acts of 1994
Approved by the Governor
October 11, 1994
Filed with the Secretary of State
October 12, 1994

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994**

**Introduced by Reps McNutt DeLange Kukuk McBryde Dalman Bodem Bender Gernaat London
Martin Vorva and Galloway**

ENROLLED HOUSE BILL No. 5552

AN ACT to amend sections 6 10 17 and 18 of Act No 330 of the Public Acts of 1968 entitled as amended An act to license and regulate private security guards private police special police security technicians watchmen patrol service private security guard agencies and alarm systems sales installations and operations to provide penalties for violations to protect the general public against unauthorized unlicensed and unethical operations by individuals engaged in private security activity or alarm systems sales installations and operations to establish minimum qualifications for individuals as well as private agencies engaged in private security work and alarm systems and operations and to prescribe the powers and duties of the department of state police being sections 338 1056 338 1060 338 1067 and 338 1068 of the Michigan Compiled Laws

The People of the State of Michigan enact

Section 1 Sections 6 10 17 and 18 of Act No 330 of the Public Acts of 1968 being sections 338 1056 338 1060 338 1067 and 338 1068 of the Michigan Compiled Laws are amended to read as follows

Sec 6 (1) The department shall issue a license to conduct business as an alarm system contractor or a private security guard or agency if it is satisfied that the applicant is a person or if a firm partnership company or corporation the sole or principal license holder is a person who meets all of the following qualifications

- (a) Is a citizen of the United States
- (b) Is not less than 25 years of age
- (c) Has a high school education or its equivalent
- (d) Is currently and has been for not less than 1 year a resident of this state
- (e) Has not been under any sentence including parole probation or actual incarceration for the commission of a felony within 5 years before the date of application
- (f) Has not been dishonorably discharged from a branch of the United States military service
- (g) In the case of an applicant for a private security guard or agency license has been lawfully engaged in 1 or more of the following
 - (i) In the private security guard or agency business on his or her own account for a period of not less than 3 years
 - (ii) In the private security guard or agency business for a period of not less than 3 years as an employee of the holder of a certificate of authority to conduct a private security guard or agency business and has had experience reasonably equivalent to not less than 4 years of full time guard work in a supervisory capacity with rank above that of patrolman

(m) In law enforcement employment on a full time basis for not less than 4 years for a city county or state government or for the United States government

(n) In the private security guard or agency business as an employee or on his or her own account or as a security administrator in private business for not less than 2 years on a full time basis and is a graduate or its equivalent in the field of police administration or industrial security from an accredited college or university

(h) In the case of an applicant for an alarm system contractor license has been lawfully engaged in either or both of the following

(i) The alarm system contractor business on his or her own account for a period of not less than 3 years

(n) The alarm system contractor business for a period of not less than 3 years as an employee of the holder of a certificate of authority to conduct an alarm system contractor business and has had experience reasonably equivalent to at least 4 years of full time work in a supervisory capacity or passes a written exam administered by the department designed to measure his or her knowledge and training in alarm systems

(j) Has posted with the department a bond provided for in this act

(k) Has not been adjudged insane unless restored to sanity by court order

(l) Does not have any outstanding warrants for his or her arrest

(2) In the case of a person firm partnership company or corporation now doing or seeking to do business in this state the resident manager shall comply with the applicable qualifications of this section

Sec 10 (1) The department may revoke any license issued under this act if it determines upon good cause shown that the licensee or his or her manager if an individual or if the licensee is a person other than an individual that any of its officers directors partners or its manager has done any of the following

(a) Made any false statements or given any false information in connection with an application for a license or a renewal or reinstatement of a license

(b) Violated any provision of this act

(c) Been while licensed or employed by a licensee convicted of or has knowingly continued the employment of any individual convicted of a felony misdemeanor punishable by more than 1 year of imprisonment or any crime or crimes involving moral turpitude dishonesty or fraud unauthorized divulging or selling of information or evidence impersonation of a law enforcement officer or employee of the United States or any state or political subdivision of the United States illegally using carrying or possessing a dangerous weapon habitual drunkenness using selling or possessing narcotics or illegally using an excessive and unnecessary degree of force

(d) Knowingly submitted any of the following

(i) A name other than the true name of a prospective employee

(n) Fingerprints not belonging to the prospective employee

(nn) False identifying information in connection with the application of a prospective employee

(2) The department shall not renew a license of a licensee who fails to pay any fines or fees due and owing to the department at the time of renewal

(3) Upon notification from the department of the revocation of the license the licensee within 48 hours after notification shall surrender to the department the certificate of license and his or her identification card In addition to the penalties provided for in section 32 failure to surrender a certificate of license or identification card to the department is a misdemeanor

Sec 17 (1) A licensee may employ as many persons as he or she considers necessary to assist him or her in his or her work of alarm system contractor or private security guard or agency and in the conduct of his or her business and at all times during the employment may be accountable for the good conduct in the business of each person so employed

(2) Employees shall meet the qualifications outlined in section 6(1)(a) (e) (f) (k) and (l) be at least 18 years of age and have had at least an eighth grade education or its equivalent

(3) A licensee shall keep adequate and complete personnel information on all persons employed by him or her

(4) If a licensee falsely states or represents that a person is or has been in his or her employ the false statement or representation is sufficient cause for the revocation of the license A person falsely stating or representing that he or she is or has been a licensed alarm system contractor or private security guard or agency or employed by a holder of a license is guilty of a misdemeanor

Sec 18 (1) A licensee shall not knowingly employ any person who fails to meet the requirements of section 17

(2) The licensee shall cause fingerprints to be taken of all prospective employees which fingerprints shall be submitted to the department for processing and approval

(3) The fingerprints required to be taken under subsection (2) may be taken by a law enforcement agency or any other person determined by the department to be qualified to take fingerprints. The department may charge a fee not to exceed \$100.00 for training. The licensee shall submit a 1 time \$15.00 processing fee for each person applying for employment at that agency. If a licensee takes the fingerprints, that licensee shall obtain training in taking fingerprints from the department or a law enforcement agency or other person determined qualified by the department. The department may impose a fee not to exceed \$5.00 for fingerprints submitted to the department that do not meet standards imposed by the department.

(4) A charge not to exceed \$15.00 per person may be required by the local law enforcement agency for the fingerprint process.

(5) A licensee shall request the department to conduct a background check of each prospective employee based upon a name check. The department shall conduct the background check upon a written or telephonic request of a licensee accompanied by a fee of \$5.00. The background check shall be conducted not later than 3 days after the date a written request is made and not later than 24 hours after a telephonic request is made. Provisional clearance based on the name check shall allow the employee to be employed for a period of time not to exceed 90 days pending final clearance based upon a fingerprint check. If an approval is once denied, that individual may not again be employed by the submitting licensee except upon receipt of an approved fingerprint clearance.

(6) The department may enter into an agreement with a licensee for the payment of fees imposed pursuant to this act.

(7) Any employee who, upon demand, fails to surrender to the licensee his or her identification card and any other property issued to him or her for use in connection with his or her employer's business is guilty of a misdemeanor.

Co Clerk of the House of Representatives

Secretary of the Senate

Approved

Governor

4