



HOUSE BILL No. 5552

May 12 1994 Introduced by Reps McNutt DeLange Kukuk McBryde Dalman
Bodem Bender Gernaat London Martin Vorva and Galloway and referred to the Committee
on Local Government

A bill to amend sections 6, 10, 17, and 18 of Act No 330 of
the Public Acts of 1968, entitled as amended

Private security guard act of 1968,'
being sections 338 1056, 338 1060, 338 1067, and 338 1068 of the
Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

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

5 Sec 6 (1) The department shall issue a license to conduct
6 business as an alarm system contractor or a private security
7 guard or agency, if it is satisfied that the applicant is a
8 person, or if a firm, partnership, company, or corporation —

1 the sole or principal license holder is a person, who meets all
2 of the following qualifications

3 (a) Is a citizen of the United States

4 (b) Is not less than 25 years of age

5 (c) Has a high school education or its equivalent

6 (d) Is currently and has been for not less than 1 year a
7 resident of this state

8 (e) Has not been under any sentence INCLUDING PAROLE PRO-
9 BATION OR ACTUAL INCARCERATION for the commission of a felony
10 within 5 years ~~or prior to~~ BEFORE THE DATE OF application ~~including parole probation, or actual incarceration~~

12 (f) Has not been dishonorably discharged from a branch of
13 the United States military service

14 (g) In the case of an applicant for a private security guard
15 or agency license, has been lawfully engaged in 1 OR MORE of the
16 following

17 (i) In the private security guard or agency business on his
18 OR HER own account for a period of not less than 3 years

19 (ii) In the private security guard or agency business for a
20 period of not less than 3 years as an employee of the holder of a
21 certificate of authority to conduct a private security guard or
22 agency business and has had experience reasonably equivalent to
23 not less than 4 years of full-time guard work in a supervisory
24 capacity with rank above that of patrolman

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

1 (iv) In the private security guard or agency business as an
2 employee or on his OR HER own account — or as a security admin-
3 istrator in private business for not less than 2 years on a
4 full-time basis and is a graduate or its equivalent in the field
5 of police administration or industrial security from an accredi-
6 ted college or university

7 (h) In the case of an applicant for an alarm system contrac-
8 tor license, has been lawfully engaged in ~~+~~ EITHER OR BOTH of
9 the following

10 (i) ~~In the~~ THE alarm system contractor business on his OR
11 HER own account for a period of not less than 3 years

12 (ii) ~~In the~~ THE alarm system contractor business for a
13 period of not less than 3 years as an employee of the holder of a
14 certificate of authority to conduct an alarm system contractor
15 business, and has had experience reasonably equivalent to at
16 least 4 years of full-time work in a supervisory capacity ~~—~~ or
17 passes a written exam administered by the department designed to
18 measure his OR HER knowledge and training in alarm systems

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

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

23 (l) DOES NOT HAVE ANY OUTSTANDING WARRANTS FOR HIS OR HER
24 ARREST

25 (2) In the case of a person firm partnership company or
26 corporation now doing or seeking to do business in this state

1 the resident manager shall comply with the applicable
2 qualifications of this section

3 Sec 10 (1) The department may revoke any license issued
4 under this act if it determines upon good cause shown that the
5 licensee or his OR HER manager, if an individual, or if the
6 licensee is a person other than an individual that any of its
7 officers, directors partners or its manager, has DONE ANY OF THE
8 FOLLOWING

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

12 (b) Violated any provision of this act

13 (c) Been, while licensed or employed by a licensee con-
14 victed of, or has knowingly continued the employment of any indi-
15 vidual convicted of, a felony, ~~high~~ misdemeanor PUNISHABLE BY
16 MORE THAN 1 YEAR OF IMPRISONMENT, or any crime or crimes involv-
17 ing moral turpitude dishonesty or fraud, unauthorized divulging
18 or selling of information or evidence impersonation of a law
19 enforcement officer or employee of the United States or any state
20 or political subdivision ~~thereof~~ OF THE UNITED STATES, ille-
21 gally using, carrying or possessing a dangerous weapon habitual
22 drunkenness, using, selling or possessing narcotics, or illegally
23 using an excessive and unnecessary degree of force

24 (D) KNOWINGLY SUBMITTED ANY OF THE FOLLOWING

25 (1) A NAME OTHER THAN THE TRUE NAME OF A PROSPECTIVE
26 EMPLOYEE

1 (11) FINGERPRINTS NOT BELONGING TO THE PROSPECTIVE
2 EMPLOYEE

3 (111) FALSE IDENTIFYING INFORMATION IN CONNECTION WITH THE
4 APPLICATION OF A PROSPECTIVE EMPLOYEE

5 (2) THE DEPARTMENT SHALL NOT RENEW A LICENSE OF A LICENSEE
6 WHO FAILS TO PAY ANY FINES OR FEES DUE AND OWING TO THE DEPART-
7 MENT AT THE TIME OF RENEWAL

8 (3) ~~(2)~~ Upon notification from the department of the revo-
9 cation of the license, the licensee within 48 hours AFTER
10 NOTIFICATION shall surrender to the department the certificate
11 of license and his OR HER identification card ~~Failure~~ IN
12 ADDITION to ~~comply with the directions of~~ THE PENALTIES PRO-
13 VIDED FOR IN SECTION 32 FAILURE TO SURRENDER A CERTIFICATE OF
14 LICENSE OR IDENTIFICATION CARD TO the department ~~shall be~~ IS a
15 misdemeanor

16 Sec 17 (1) A licensee may employ as many persons as he
17 ~~deems~~ OR SHE CONSIDERS necessary to assist him OR HER in his OR
18 HER work of alarm system contractor or private security guard or
19 agency and in the conduct of his OR HER business and at all
20 times during the employment may be accountable for the good con-
21 duct in the business of each person so employed

22 (2) Employees shall meet the qualifications outlined in sec-
23 tion 6(1)(a), (e), (f), ~~and~~ (k) AND (1), be at least 18 years
24 of age, and have had at least an eighth grade education or its
25 equivalent

26 (3) A licensee shall keep adequate and complete personnel
27 information on all persons employed by him OR HER

1 (4) If a licensee falsely states or represents that a person
2 is or has been in his OR HER employ the false statement or rep-
3 resentation ~~shall be~~ IS sufficient cause for the revocation of
4 the license A person falsely stating or representing that he OR
5 SHE is or has been a licensed alarm system contractor or private
6 security guard or agency or employed by a holder of a license is
7 guilty of a misdemeanor

8 Sec 18 (1) ~~No~~ A licensee shall NOT knowingly employ any
9 person who fails to meet the requirements of section 17 ~~of this~~
10 ~~act~~

11 (2) The licensee shall cause fingerprints to be taken ~~and~~
12 ~~processed by the local law enforcement agency~~ of all prospective
13 employees which fingerprints shall be submitted to the depart-
14 ment ~~of state police~~ for processing and approval

15 (3) THE FINGERPRINTS REQUIRED TO BE TAKEN UNDER SUBSECTION
16 (2) MAY BE TAKEN BY A LAW ENFORCEMENT AGENCY OR ANY OTHER PERSON
17 DETERMINED BY THE DEPARTMENT TO BE QUALIFIED TO TAKE
18 FINGERPRINTS THE DEPARTMENT MAY CHARGE A FEE NOT TO EXCEED
19 \$100 00 FOR TRAINING THE LICENSEE SHALL SUBMIT A 1-TIME \$15 00
20 PROCESSING FEE FOR EACH PERSON APPLYING FOR EMPLOYMENT AT THAT
21 AGENCY IF A LICENSEE TAKES THE FINGERPRINTS, THAT LICENSEE
22 SHALL OBTAIN TRAINING IN TAKING FINGERPRINTS FROM THE DEPARTMENT
23 OR A LAW ENFORCEMENT AGENCY OR OTHER PERSON DETERMINED QUALIFIED
24 BY THE DEPARTMENT THE DEPARTMENT MAY IMPOSE A FEE NOT TO EXCEED
25 \$5 00 FOR FINGERPRINTS SUBMITTED TO THE DEPARTMENT THAT DO NOT
26 MEET STANDARDS IMPOSED BY THE DEPARTMENT

1 (4) A charge not to exceed ~~\$1 00~~ \$15 00 per person may be
2 required by the local law enforcement agency for the fingerprint
3 process ~~Individuals may be employed on a temporary basis fol-~~
4 ~~lowing the submission of fingerprints to the department of state~~
5 ~~police and pending a denial of approval If an approval is once~~
6 ~~denied that individual may not again be employed by the submit-~~
7 ~~ting agency except upon receipt of an approved fingerprint~~
8 ~~clearance~~

9 (5) A LICENSEE SHALL REQUEST THE DEPARTMENT TO CONDUCT A
10 BACKGROUND CHECK OF EACH PROSPECTIVE EMPLOYEE BASED UPON A NAME
11 CHECK THE DEPARTMENT SHALL CONDUCT THE BACKGROUND CHECK UPON A
12 WRITTEN OR TELEPHONIC REQUEST OF A LICENSEE ACCOMPANIED BY A FEE
13 OF \$5 00 THE BACKGROUND CHECK SHALL BE CONDUCTED NOT LATER THAN
14 3 DAYS AFTER THE DATE A WRITTEN REQUEST IS MADE AND NOT LATER
15 THAN 24 HOURS AFTER A TELEPHONIC REQUEST IS MADE PROVISIONAL
16 CLEARANCE BASED ON THE NAME CHECK SHALL ALLOW THE EMPLOYEE TO BE
17 EMPLOYED FOR A PERIOD OF TIME NOT TO EXCEED 90 DAYS PENDING
18 FINAL CLEARANCE BASED UPON A FINGERPRINT CHECK IF AN APPROVAL
19 IS ONCE DENIED THAT INDIVIDUAL MAY NOT AGAIN BE EMPLOYED BY THE
20 SUBMITTING LICENSEE EXCEPT UPON RECEIPT OF AN APPROVED FINGER-
21 PRINT CLEARANCE

22 (6) THE DEPARTMENT MAY ENTER INTO AN AGREEMENT WITH A
23 LICENSEE FOR THE PAYMENT OF FEES IMPOSED PURSUANT TO THIS ACT

24 (7) ~~(2)~~ Any employee who, upon demand, fails to surrender
25 to the licensee his OR HER identification card and any other
26 property issued to him OR HER for use in connection with his OR
27 HER employer s business is guilty of a misdemeanor