

HOUSE BILL No. 4810

May 21, 1997, Introduced by Reps. Freeman, Murphy, Cherry, DeHart, Leland, Olshove, Mathieu, Vaughn, Thomas, Callahan, Martinez, Mans, Bogardus and Willard and referred to the Committee on Labor and Occupational Safety.

A bill to amend 1968 PA 330, entitled
"Private security guard act of 1968,"
by amending sections 10 and 32 (MCL 338.1060 and 338.1082), section 10 as amended by 1994 PA 326, and by adding section 16a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10. (1) The department may revoke any license issued
2 under this act if it determines, upon good cause shown, that the
3 licensee, AN EMPLOYEE OF THE LICENSEE, or ~~his or her~~ THE
4 LICENSEE'S manager, if an individual, or if the licensee is a
5 person other than an individual, that any of its officers, direc-
6 tors, partners or its manager, has done any of the following:

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

1 (b) Violated any provision of this act.

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

13 (d) Knowingly submitted any of the following:

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

16 (ii) Fingerprints not belonging to the prospective
17 employee.

18 (iii) False identifying information in connection with the
19 application of a prospective employee.

20 (E) BEEN CONVICTED OF A VIOLATION OF SECTION 16A.

21 (2) The department shall not renew a license of a licensee
22 who fails to pay any fines or fees due and owing to the depart-
23 ment at the time of renewal.

24 (3) Upon notification from the department of the revocation
25 of the license, the licensee, within 48 hours after notification,
26 shall surrender to the department the certificate of license and
27 his or her identification card. In addition to the penalties

1 provided for in section 32, failure to surrender a certificate of
2 license or identification card to the department is a
3 misdemeanor.

4 (4) THE DEPARTMENT SHALL NOT ISSUE A LICENSE, UNTIL THE
5 EXPIRATION OF 4 YEARS AFTER THE DATE OF CONVICTION, TO A LICENSEE
6 CONVICTED OF A VIOLATION OF SECTION 16A OR A PERSON WHO WHILE
7 ACTING AS OR EMPLOYED BY A PRIVATE SECURITY POLICE HAS BEEN CON-
8 VICTED OF, OR WHOSE EMPLOYEE HAS BEEN CONVICTED OF, A VIOLATION
9 OF SECTION 16A OR SECTION 355B OF THE MICHIGAN PENAL CODE, 1931
10 PA 328, MCL 750.355B.

11 SEC. 16A. (1) WHILE ACTING WITHIN THE COURSE OF HIS OR HER
12 EMPLOYMENT, A PERSON LICENSED UNDER THIS ACT OR AN EMPLOYEE OF A
13 LICENSEE SHALL NOT DO ANY OF THE FOLLOWING:

14 (A) CARRY OR DISPLAY A FIREARM IN THE PRESENCE OF AN INDI-
15 VIDUAL LAWFULLY ENGAGED OR INVOLVED IN A LABOR DISPUTE.

16 (B) LEAVE THE BOUNDARIES OF THE PROPERTY THE LICENSEE IS
17 HIRED TO PROTECT OR GUARD TO PURSUE, MONITOR, OR CONDUCT SURVEIL-
18 LANCE OF AN INDIVIDUAL LAWFULLY ENGAGED OR INVOLVED IN A LABOR
19 DISPUTE.

20 (C) LEAVE THE BOUNDARIES OF THE PROPERTY THE LICENSEE IS
21 HIRED TO PROTECT OR GUARD TO ENGAGE IN ASSAULTIVE, INTIMIDATING,
22 OR THREATENING BEHAVIOR.

23 (D) USE UNREASONABLE FORCE IN EXECUTING HIS OR HER DUTIES.

24 (2) A LICENSEE WHO DIRECTS AN EMPLOYEE OR KNOWINGLY ALLOWS
25 AN EMPLOYEE TO VIOLATE SUBSECTION (1) MAY BE CHARGED WITH A VIO-
26 LATION OF SUBSECTION (1).

1 (3) AS USED IN THIS SECTION:

2 (A) "FIREARM" MEANS THAT TERM AS DEFINED IN SECTION 3T OF
3 1846 RS 1, MCL 8.3T.

4 (B) "LABOR DISPUTE" MEANS THAT TERM AS DEFINED IN SECTION 2
5 OF 1939 PA 176, MCL 423.2.

6 Sec. 32. (1) ~~A~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
7 (2), A licensee, manager, or employee of a licensee who violates
8 this act is guilty of a misdemeanor, punishable by imprisonment
9 for not more than 90 days or by a fine of not more than \$100.00,
10 or both.

11 (2) A PERSON WHO VIOLATES SECTION 16A IS GUILTY OF A FELONY
12 PUNISHABLE BY IMPRISONMENT OF NOT MORE THAN 2 YEARS, A FINE OF
13 NOT MORE THAN \$5,000.00, OR BOTH.

14 Enacting section 1. This amendatory act does not take
15 effect unless Senate Bill No. _____ or House Bill No. _____
16 (request no. 03325'97 a) of the 89th Legislature is enacted into
17 law.