

HOUSE BILL No. 6317

July 23, 2008, Introduced by Rep. Condino and referred to the Committee on Regulatory Reform.

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), sections 2 and 29 as amended by 2002 PA 473 and section
30 as amended by 2000 PA 411; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

2 (a) "Department" means the department of ~~consumer and industry~~
3 ~~services except that in reference to the regulation of private~~
4 ~~security police, department means the department of state police~~
5 **LABOR AND ECONOMIC GROWTH.**

6 (b) "Licensee" means a sole proprietorship, firm, company,
7 partnership, limited liability company, or corporation licensed
8 under this act.

1 (c) "Private security guard" means an individual or an
2 employee of an employer who offers, for hire, to provide protection
3 of **PERSONS OR** property. ~~on the premises of another.~~

4 (d) "Private security police" means that part of a business
5 organization or educational institution primarily responsible for
6 the protection of property on the premises of the business
7 organization.

8 (e) "Security alarm system" means a detection device or an
9 assembly of equipment and devices arranged to signal the presence
10 of a hazard requiring urgent attention or to which police are
11 expected to respond. Security alarm system includes any system that
12 can electronically cause an expected response by a law enforcement
13 agency to a premises by means of the activation of an audible
14 signal, visible signal, electronic notification, or video signal,
15 or any combination of these signals, to a remote monitoring
16 location on or off the premises. Security alarm system does not
17 include a video signal that is not transmitted over a public
18 communication system or a fire alarm system or an alarm system that
19 monitors temperature, humidity, or other condition not directly
20 related to the detection of an unauthorized intrusion into a
21 premises or an attempted robbery at a premises.

22 (f) "Security alarm system agent" means a person employed by a
23 security alarm system contractor whose duties include the altering,
24 installing, maintaining, moving, repairing, replacing, selling,
25 servicing, monitoring, responding to, or causing others to respond
26 to a security alarm system.

27 (g) "Security alarm system contractor" means a sole

1 proprietorship, firm, company, partnership, limited liability
2 company, or corporation engaged in the installation, maintenance,
3 alteration, monitoring, or servicing of security alarm systems or
4 who responds to a security alarm system. Security alarm system
5 contractor does not include a business that only sells or
6 manufactures security alarm systems unless the business services
7 security alarm systems, installs security alarm systems, monitors
8 or arranges for the monitoring of a security alarm system, or
9 responds to security alarm systems at the protected premises.

10 (h) "Security business" means a person or business entity
11 engaged in offering, arranging, or providing 1 or more of the
12 following services:

13 (i) Security alarm system installation, service, maintenance,
14 alteration, or monitoring.

15 (ii) Private security guard.

16 (iii) Private security police.

17 (2) All businesses furnishing security alarm systems for the
18 protection of persons and property, whose employees and security
19 technicians travel on public property and thoroughfares in the
20 pursuit of their duties, are subject to this act.

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

24 (4) Railroad policemen appointed and commissioned under the
25 railroad code of 1993, 1993 PA 354, MCL 462.101 to 462.451, are
26 exempt from this act.

27 Sec. 29. (1) The licensure of private security police shall be

1 administered by the department. ~~of state police.~~ The application,
2 qualification, and enforcement provisions under this act apply to
3 private security police. ~~except that the administration of those~~
4 ~~provisions shall be performed by, and the payment of the~~
5 ~~appropriate fees shall be paid to, the department of state police.~~
6 ~~The director of the department may jointly promulgate rules with~~
7 ~~the department of state police under the administrative procedures~~
8 ~~act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to facilitate the~~
9 ~~bifurcation of authority described in this subsection.~~

10 (2) ~~This act does not require licensing of any private~~
11 ~~security guards employed for the purpose of protecting the property~~
12 ~~and employees of their employer and generally maintaining security~~
13 ~~for their employer. However, any person, firm, limited liability~~
14 ~~company, business organization, educational institution, or~~
15 ~~corporation maintaining a private security police organization may~~
16 ~~voluntarily apply for licensure under this act. When a private~~
17 ~~security police employer as described in this section provides the~~
18 ~~employee with a pistol for the purpose of protecting the property~~
19 ~~of the employer, the pistol shall be considered the property of the~~
20 ~~employer and the employer shall retain custody of the pistol,~~
21 ~~except during the actual working hours of the employee. All such~~
22 ~~private security people shall be subject to the provisions of~~
23 ~~sections 17(1) and 19(1).~~

24 Sec. 30. A private security police officer ~~, as described in~~
25 ~~section 29,~~ who is properly licensed under this act has the
26 authority to arrest a person without a warrant as set forth for
27 public peace officers in section 15 of chapter IV of the code of

1 criminal procedure, 1927 PA 175, MCL 764.15, when that private
2 security police officer is on the employer's premises. Such
3 authority is limited to his or her hours of employment as a private
4 security police officer and does not extend beyond the boundaries
5 of the property of the employer and while the private security
6 police officer is in the full uniform of the employer.

7 Enacting section 1. Section 31 of the private security
8 business and security alarm act, 1968 PA 330, MCL 338.1081, is
9 repealed.