

Legislative Analysis



PRIVATE COLLEGE SECURITY FORCE

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House Bill 5094

Sponsor: Rep. Larry DeShazor

House Bill 5095

Sponsor: Rep. Jimmy Womack

Committee: Judiciary

Complete to 6-18-09

A SUMMARY OF HOUSE BILLS 5094 AND 5095 AS INTRODUCED 6-16-09

House Bill 5095 would permit an eligible private college or university to create a private college security force, grant full arrest powers within the grounds of the institution, set minimum standards and qualifications for officers, and require liability insurance coverage for each officer. House Bill 5094 would allow the Michigan Commission of Law Enforcement Standards to impose a reasonable fee for performing duties under the provisions of House Bill 5095. The bills are tie-barred to each other, meaning that neither bill could take effect unless the other was also enacted.

House Bill 5095 would amend the Private Security Business and Security Alarm Act (MCL 338.1052 et al.). The bill would add several new sections that would allow the governing board of a private college or university to create a private college security force and appoint persons to be members of that force. To be eligible, a private college must have students residing in college or university housing. The governing board would have to assign duties, including the enforcement of college or university regulations, and prescribe the oath of office. "Governing board" would mean a board of regents, board of trustees, board of governors, board of control, or other governing body of an institution of higher learning.

Unless licensed under the act, an institution could not operate a private college security force (however, a separate provision in the bill implies that licensure for a private college security force is voluntary). The Department of State Police would have to grant a license to any institution complying with the bill's requirements.

Creation of private college security force. First, only a private college or university with campus housing could create a force. Next, the governing board would have to obtain the approval of the prosecuting attorney and the sheriff of each county within which the institution owns, maintains, or controls property. If the property was located entirely within one city, the board would also have to obtain the approval of the chief of police. If the property spanned more than one city, then the approval of each city's chief of police would have to be obtained.

Before granting approval, the chief of police, prosecuting attorney, and sheriff would have to determine that the proposed law enforcement agency is needed to assure adequate public safety. Approval by any of the entities could be rescinded at any time, in which case the private college security force would cease to operate.

Additionally, the board of governors would have to satisfy the good character, competence, and integrity requirements of the Department of State Police for licensees.

Private college security officers. A person appointed as a private college security officer would have to meet certain selection qualifications, standards, and requirements prescribed in departmental rules that pertain to the Michigan Commission on Law Enforcement Standards (MCOLES), entitled “Law Enforcement Standards and Training”.

Private college security officers could participate in the Recognition of Prior Basic Law Enforcement Training and Experience Program as prescribed in the MCOLES rules.

Investigations conducted to determine if a candidate for appointment as a private college security officer met the selection qualifications, standards, and requirements would be governed by certain MCOLES departmental rules. (The rules referenced in the bill apply to investigations of violations of the MCOLES act, license sanctions for felony convictions or fraud on a license application, and review of investigations for criminal wrongdoing, among other things.)

An officer would have arrest powers for violations of state statutes and local ordinances only on property owned or leased by the institution, wherever located. Officers would not be certified as law enforcement officers under MCOLES. Officers could not serve civil process.

Officers would be ineligible to participate in any state, county, or municipal retirement system and would not be reimbursed for training with state funds. Uniforms, vehicles, and badges of officers would have to be distinctive from those of the local law enforcement agency where the institution was located.

Duties of a governing board/oversight committee. A board would have to establish a private college security force oversight committee before granting powers and authority to the officers. The oversight committee would be composed of the local county sheriff and prosecutor, and also the chief of police (if the institution were located in a municipality having a police force), as well as six individuals appointed by the institution’s administration.

The committee would have to receive and address grievances against the security officers or the force. The committee could recommend to the governing board that disciplinary measures be taken by the institution against a private college security officer found responsible for misconduct in office.

The governing board would also have to provide liability insurance for not less than \$250,000 of coverage for each member of the private college security force – without cost to the member – to insure the member against liability arising out of or in the course of employment. This provision would not apply if the indemnification was provided by a program of self-insurance.

Fees. A private college security force would have to pay a license fee of \$500 and file with the Department of State Police a \$25,000 bond. In addition, an institution could be subject to a fee payable to MCOLES.

Miscellaneous provisions. Writings prepared, owned, used in the possession of, or retained by a private college security force in connection with a private college security force created under the bill would not be subject to the Freedom of Information Act. The bill would also add definitions for the terms “commission”, and “private college security force”, as well as excluding a private college security force from the definition of “private security police”. (Currently, “private security police” means that part of a business organization or educational institution primarily responsible for the protection of property on the premises of the business organization.)

A provision in the act requiring each license applicant to sign and verify the license application, and submit two passport quality photographs, would not apply to a private college security force. Neither would a provision pertaining to uniform license application forms, investigation of the qualifications of license applicants, and issuance of a temporary license.

Further, the bill would delete numerous obsolete provisions and make many revisions of an editorial nature.

House Bill 5094 would amend the Commission on Law Enforcement Standards Act (MCL 28.610) to allow the commission to impose a reasonable fee for performing its duties under Sections 37 to 43 which would be added by House Bill 5095. The fee would be payable by the private college or university for which the duties were performed. The fee could not exceed the commission’s actual cost incurred in performing those duties.

FISCAL IMPACT:

A fiscal analysis is in process.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.