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BILL ANALYSIS



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House Bill 5094 (Substitute H-1 as passed by the House)
House Bill 5095 (Substitute H-2 as passed by the House)
Sponsor: Representative Larry DeShazor (H.B. 5094)
Representative Jimmy Womack (H.B. 5095)
House Committee: Judiciary
Senate Committee: Education

Date Completed: 3-11-10

CONTENT

House Bill 5094 (H-1) would amend the Commission on Law Enforcement Standards Act to permit the Commission to require a private college or university to pay to the Michigan Department of State Police (MSP) a reasonable fee for any service identified under House Bill 5095 (H-2).

House Bill 5095 (H-2) would amend the Private Security Business and Security Alarm Act to permit a private college or university to authorize a private college security force. The bill would do the following:

- Require the governing board of a private college or university to obtain the approval of the prosecuting attorney and local law enforcement officials before creating a private college security force, and permit an individual to rescind that approval at any time.
- Require the governing board to establish a private college security force oversight committee that would receive and address grievances against the force and its officers.
- Establish qualifications for a private college security officer.
- Authorize private college security officers to make arrests only on property owned or leased by the private college or university.
- Require the MSP to administer the licensure of private college security forces.

The two bills are tie-barred to one another and are described in detail below.

House Bill 5095 (H-2)

Authorization of Security Force

The bill would permit a private college or university in the State that has students residing in college or university housing to authorize a private college security force through action of its governing board. In that action, the governing board would have to do the following:

- Authorize the private security force.
- Authorize appointment of members of that force.

- Authorize the assignment of duties, including the enforcement of college or university regulations.
- Prescribe the oath of office.
- Limit employment to those individuals who meet the requirements described below.

Approval of Local Officials

The governing board of a private college or university could not create a private college security force unless it obtained the approval of the prosecuting attorney and the sheriff of each county where the college or university owned, maintained, or controlled property. The governing board also would have to obtain the approval of the chief of police of each city where the private college or university owned, maintained, or controlled property.

Before granting approval, the prosecuting attorney, sheriff, or chief of police would have to determine that the proposed private college security force was needed to assure adequate public safety on the college's or university's property. Any person whose approval was required could rescind that approval at any time, in which case the private college security force would no longer be authorized and would have to cease to operate.

Officer Qualifications

A private college security officer would have to meet certain qualifications specified for a law enforcement officer under the Administrative Code. (Those requirements include medical, nonmedical, and testing qualifications.)

A private college security officer also would have to meet the standards and requirements specified in the Administrative Code for at least one of the following categories of recruits: basic recruit, agency basic recruit, preservice recruit, military preservice recruit, or a preservice college recruit. (The rules establish certain training and education criteria for basic recruits, recruits with military police experience, and recruits with a college education.)

Private college security forces also would be subject to administrative rules that establish the grounds for dismissal of a recruit, describe the process for appealing a dismissal, and establish a time frame for a recruit to take the licensing exam.

Private college security officers could participate in the "Recognition of Prior Basic Law Enforcement Training and Experience" program as described in the Administrative Code (which establishes licensing requirements for a person who previously was certified or licensed as a law enforcement officer in Michigan).

The qualification requirements described above would not apply to an individual if all of the following requirements were met:

- The individual was employed as a security officer by a private college or university on the bill's effective date.
- He or she was certified as a law enforcement officer by the Commission on Law Enforcement Standards on the bill's effective date or previously was certified as a law enforcement officer while employed by the private college or university as a law enforcement officer but the certification became void during that period of employment.
- The private college or university authorized the creation of a private college security force under the Act.

An investigation to determine if a candidate for appointment as a private college security officer met the qualification requirements would be governed by administrative rules

relating to investigations of law enforcement agencies of officers for alleged violations of the Act, administrative rules, or Commission policies.

Powers of Officers

Private college security officers would have the power to make arrests as provided under the Act. That power could be exercised only on property owned or leased by the private college or university. Private college security officers would not be certified as law enforcement officers under the Commission on Law Enforcement Standards Act.

The bill would revise the definition of "private security guard" to include an employee of a private college security force, and would exclude such a force from the definition of "private security police".

Licensing Requirements

The MSP would have to administer the licensure of private college security forces. With certain exceptions, the application, qualification, and enforcement provisions of the Private Security Business and Security Alarm Act would apply to private college security forces, except that those provisions would have to be administered by, and the appropriate fees paid to, the MSP.

The MSP could not issue a license to operate a private college security force to a private college or university until the college or university had demonstrated compliance with the requirements of the bill.

When satisfied of the good character, competence, and integrity of the college or university's governing board, the MSP would have to issue the applicant a license.

Fees

The governing board of a private college or university that created a private college security force could be subject to a fee payable to the Commission under House Bill 5094 (H-1).

The renewal fee for a license granted to a private security police organization or a private college police force would be \$150.

Oversight Committee

The governing board of a private college or university could not grant powers and authority to private college security officers unless it first established a private college security force oversight committee. The committee would have to be composed of the following individuals:

- The sheriff and prosecuting attorney of the county in which the college or university was located.
- The chief of police, if the college or university were located in a municipality that had a police force.
- Six individuals appointed by the administration of the college or university.

The committee would have to receive and address grievances against the private college security officers or the private college security force, and could recommend to the governing board that disciplinary action be taken against an officer who was found responsible for misconduct in office.

Liability Insurance

The governing board of a private college or university that created a private college security force would have to provide liability insurance coverage for each member of the force without cost to the member, to insure the member against any liability arising out of or in the course of his or her employment for at least \$250,000 of coverage, unless that indemnification was provide by a self-insurance program.

Other Provisions

Members of a private college security force would not be eligible to participate in any State, county, or municipal retirement system and could not be reimbursed for training with State funds.

The uniforms, vehicles, and badges of private college security officers would have to be distinctive from those of the local law enforcement agency.

A person could not falsely state or represent that he or she was an agent of a private college security force officer.

A private college security force officer or employee or licensee of a private college security force could not wear a badge or shield unless approved by the MSP Director.

The bill would revise the definition of "private security guard" to include an employee of a private college security force, and would exclude such a force from the definition of "private security police".

House Bill 5094 (H-1)

The Commission on Law Enforcement Standards could impose a reasonable fee for performing any service identified in Sections 37 to 42 of the Private Security Business and Security Alarm Act (sections that House Bill 5095 (H-2) would create). The fee would be payable by the private college or university in connection with which the duties were performed. No fee could exceed the Commission's actual cost incurred in performing those duties.

MCL 28.610 (H.B. 5094)
338.1052 et al. (H.B. 5095)

Legislative Analyst: Curtis Walker

FISCAL IMPACT

According to the Department of State Police, the bills would require the Michigan Commission on Law Enforcement Standards (MCOLES) to develop and implement a program of standards and regulation for what the MSP believes would be a new classification of law enforcement personnel: a private college security force that would be created under House Bill 5095 (H-2). The cost incurred by MCOLES for such work cannot be determined at this time, but the Commission would be allowed to impose a reasonable fee for these services under House Bill 5094 (H-1).

The bills also would have a minor fiscal impact on college and local government agencies, which would be required to provide administrative oversight for the proposed program.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.