

HOUSE BILL No. 5095

June 16, 2009, Introduced by Reps. Womack and DeShazor and referred to the Committee on Judiciary.

A bill to amend 1968 PA 330, entitled "Private security business and security alarm act," by amending sections 2, 3, 4, 7, 8, 9, 17, and 29 (MCL 338.1052, 338.1053, 338.1054, 338.1057, 338.1058, 338.1059, 338.1067, and 338.1079), sections 2, 3, 7, 17, and 29 as amended by 2002 PA 473, sections 4 and 8 as amended by 2000 PA 411, and section 9 as amended by 2004 PA 270, and by adding sections 6a, 37, 38, 39, 40, 41, 42, and 43.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

2 (A) "COMMISSION" MEANS THE COMMISSION ON LAW ENFORCEMENT
3 STANDARDS CREATED UNDER SECTION 3 OF THE COMMISSION ON LAW

1 **ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL 28.603.**

2 (B) ~~(a)~~ "Department" means the department of ~~consumer and~~
3 ~~industry services~~ **ENERGY, LABOR, AND ECONOMIC GROWTH** except that in
4 reference to the ~~regulation~~ **PROVISIONS OF THIS ACT CONCERNING THE**
5 **ADMINISTRATION OF LICENSURE** of private security police **AND PRIVATE**
6 **COLLEGE SECURITY FORCES**, department means the department of state
7 police.

8 (C) "GOVERNING BOARD" MEANS A BOARD OF REGENTS, BOARD OF
9 TRUSTEES, BOARD OF GOVERNORS, BOARD OF CONTROL, OR OTHER GOVERNING
10 BODY OF AN INSTITUTION OF HIGHER EDUCATION.

11 (D) ~~(b)~~ "Licensee" means a sole proprietorship, firm, company,
12 partnership, limited liability company, or corporation licensed
13 under this act.

14 (E) "PRIVATE COLLEGE SECURITY FORCE" MEANS A SECURITY FORCE
15 CREATED UNDER SECTION 37.

16 (F) ~~(c)~~ "Private security guard" means an individual or an
17 employee of an employer who offers, for hire, to provide protection
18 of property on the premises of another.

19 (G) ~~(d)~~ "Private security police" means that part of a
20 business organization or educational institution primarily
21 responsible for the protection of property on the premises of the
22 business organization, **BUT DOES NOT INCLUDE A PRIVATE COLLEGE**
23 **SECURITY FORCE.**

24 (H) ~~(e)~~ "Security alarm system" means a detection device or an
25 assembly of equipment and devices arranged to signal the presence
26 of a hazard requiring urgent attention or to which police are
27 expected to respond. Security alarm system includes any system that

1 can electronically cause an expected response by a law enforcement
2 agency to a premises by means of the activation of an audible
3 signal, visible signal, electronic notification, or video signal,
4 or any combination of these signals, to a remote monitoring
5 location on or off the premises. Security alarm system does not
6 include a video signal that is not transmitted over a public
7 communication system or a fire alarm system or an alarm system that
8 monitors temperature, humidity, or other condition not directly
9 related to the detection of an unauthorized intrusion into a
10 premises or an attempted robbery at a premises.

11 (I) ~~(f)~~—"Security alarm system agent" means a person employed
12 by a security alarm system contractor whose duties include the
13 altering, installing, maintaining, moving, repairing, replacing,
14 selling, servicing, monitoring, responding to, or causing others to
15 respond to a security alarm system.

16 (J) ~~(g)~~—"Security alarm system contractor" means a sole
17 proprietorship, firm, company, partnership, limited liability
18 company, or corporation engaged in the installation, maintenance,
19 alteration, monitoring, or servicing of security alarm systems or
20 who responds to a security alarm system. Security alarm system
21 contractor does not include a business that only sells or
22 manufactures security alarm systems unless the business services
23 security alarm systems, installs security alarm systems, monitors
24 or arranges for the monitoring of a security alarm system, or
25 responds to security alarm systems at the protected premises.

26 (K) ~~(h)~~—"Security business" means a person or business entity
27 engaged in offering, arranging, or providing 1 or more of the

1 following services:

2 (i) Security alarm system installation, service, maintenance,
3 alteration, or monitoring.

4 (ii) Private security guard.

5 (iii) Private security police.

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

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

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

16 Sec. 3. (1) Unless licensed under this act, a sole
17 proprietorship, firm, company, partnership, limited liability
18 company, or corporation shall not engage in the business of
19 security alarm system contractor, private security guard, private
20 security police, **PRIVATE COLLEGE SECURITY FORCE**, patrol service, or
21 an agency furnishing those services. A person, firm, company,
22 partnership, limited liability company, or corporation shall not
23 advertise its business to be that of security alarm system
24 contractor, security alarm system agent, private security guard
25 agency, or an agency furnishing those services without having first
26 obtained from the department a license to do so for each office and
27 branch office to be owned, conducted, managed, or maintained for

1 the conduct of that business.

2 (2) A person shall not sell, install, operate, adjust, arrange
3 for, or contract to provide a device which upon activation, either
4 mechanically, electronically, or by any other means, initiates the
5 automatic calling or dialing of, or makes a connection directly to,
6 a telephone assigned to a public service, utility, or police
7 agency, for the purpose of delivering a recorded message, without
8 first receiving written permission from that service, utility, or
9 agency.

10 (3) A person who violates this section is guilty of a felony
11 punishable by imprisonment for not more than 4 years ~~by~~ OR a fine
12 of not more than \$1,000.00, or both.

13 Sec. 4. The department may issue separate licenses to security
14 alarm system contractors, **PRIVATE COLLEGE SECURITY FORCES**, private
15 security police, and private security guard agencies. This section
16 does not prevent a private detective or private investigator
17 licensed under the ~~private detective license act of 1965,~~
18 **PROFESSIONAL INVESTIGATOR LICENSURE ACT**, 1965 PA 285, MCL 338.821
19 to 338.851, from performing the services of a private security
20 guard or private security police except that a private security
21 guard or private security police may not perform the services of a
22 private detective or private investigator without obtaining a
23 private detective or private investigator license.

24 **SEC. 6A. THE DEPARTMENT SHALL ISSUE A LICENSE TO OPERATE A**
25 **PRIVATE COLLEGE SECURITY FORCE TO A PRIVATE COLLEGE OR UNIVERSITY**
26 **THAT COMPLIES WITH THE REQUIREMENTS OF SECTIONS 37 TO 43.**

27 Sec. 7. (1) The department shall prepare a uniform application

1 for the particular license and shall require the person filing the
2 application to obtain reference statements from at least 5
3 reputable citizens who have known the applicant for a period of at
4 least 5 years, who can attest that the applicant is honest, of good
5 character, and competent, and who are not related or connected to
6 the applicant by blood or marriage.

7 (2) Upon receipt of the application and application fee, the
8 department shall investigate the applicant's qualifications for
9 licensure.

10 (3) The application and investigation are not considered
11 complete until the applicant has received the approval of the
12 prosecuting attorney and the sheriff of the county in this state
13 within which the principal office of the applicant is to be
14 located. If the office is to be located in a city, township, or
15 village, the approval of the chief of police may be obtained
16 instead of the sheriff. Branch offices and branch managers shall be
17 similarly approved.

18 (4) If a person has not previously been denied a license or
19 has not had a previous license suspended or revoked, the department
20 may issue a nonrenewable temporary license to an applicant. If
21 approved by the department, the temporary license is valid until 1
22 or more of the following occur but not to exceed 120 days:

23 (a) The completion of the investigations and approvals
24 required under subsections (1), (2), and (3).

25 (b) The completion of the investigation of the subject matter
26 addressed in section 6.

27 (c) The completion of the investigation of any employees of

1 the licensee as further described in section 17.

2 (d) Confirmation of compliance with the bonding or insurance
3 requirements imposed in section 9.

4 (e) The applicant fails to meet 1 or more of the requirements
5 for licensure imposed under this act.

6 (5) The fees for a temporary license shall be the applicable
7 fees as described in section 9.

8 **(6) THIS SECTION DOES NOT APPLY TO A PRIVATE COLLEGE SECURITY**
9 **FORCE.**

10 Sec. 8. (1) Each applicant shall sign and verify the
11 application. Each application shall contain at least all of the
12 following:

13 (a) The name and principal address where the individual or
14 business entity is located in this state.

15 (b) The address and location of any branch office of the
16 business.

17 (c) The certificate of incorporation of the business, if
18 applicable.

19 (2) Each applicant shall submit 2 passport quality photographs
20 of the applicant with the application. If the applicant is a
21 business entity, the resident manager of the business shall submit
22 2 passport quality photographs of himself or herself.

23 **(3) THIS SECTION DOES NOT APPLY TO A PRIVATE COLLEGE SECURITY**
24 **FORCE.**

25 Sec. 9. (1) The department, when satisfied of the good
26 character, competence, and integrity of the applicant, or if the
27 applicant is a firm, company, partnership, limited liability

1 company, or corporation, of its individual members or officers, **OR,**
2 **IF THE APPLICANT IS A PRIVATE COLLEGE OR UNIVERSITY, OF ITS BOARD**
3 **OF GOVERNORS,** shall issue to the applicant a license. ~~Beginning~~
4 ~~October 1, 2004, the~~ **THE** issuance of the license is conditioned
5 upon the applicant's paying to the department for each license
6 \$200.00 if a sole proprietorship, or \$300.00 if a private security
7 guard firm, company, partnership, limited liability company, or
8 corporation, or \$500.00 if a security alarm system contractor **OR A**
9 **PRIVATE COLLEGE OR UNIVERSITY,** and upon the applicant's executing,
10 delivering, and filing with the department a bond in the sum of
11 \$25,000.00. ~~Beginning October 1, 2002 and until October 1, 2004,~~
12 ~~the issuance of the license is conditioned upon the applicant's~~
13 ~~paying to the department for each license \$1,000.00 if a sole~~
14 ~~proprietorship, or \$1,500.00 if a private security firm, company,~~
15 ~~partnership, limited liability company, or corporation, or~~
16 ~~\$1,500.00 if a security alarm system contractor, and upon the~~
17 ~~applicant's executing, delivering, and filing with the department a~~
18 ~~bond of \$25,000.00.~~ The bond shall be conditioned upon the faithful
19 and honest conduct of the business by the applicant and shall be
20 approved by the department. In lieu of a bond, the applicant may
21 furnish a policy of insurance issued by an insurer authorized to do
22 business in this state naming the licensee and the state as
23 coinsureds in the amount of \$25,000.00 for property damages,
24 \$100,000.00 for injury to or death of 1 person, and \$200,000.00 for
25 injuries to or deaths of more than 1 person arising out of the
26 operation of the licensed activity. The license is valid for 2
27 years but is revocable at all times by the department for cause

1 shown. The bonds shall be taken in the name of the people of the
2 state and a person injured by the willful, malicious, and wrongful
3 act of the licensee or any of his or her agents or employees may
4 bring an action on the bond or insurance policy in his or her own
5 name to recover damages suffered by reason of the wrongful act. The
6 license certificate shall be in a form to be prescribed by the
7 department. ~~The fee changes effective October 1, 2002 until October~~
8 ~~1, 2004 in this section and section 25 are considered necessary to~~
9 ~~cover the actual costs of the licensure program under this act and~~
10 ~~shall only be used for administration of that licensure program.~~
11 ~~The department and the department of state police shall each issue~~
12 ~~a report to the appropriations subcommittees having jurisdiction~~
13 ~~over their department not later than April 1, 2003, on whether the~~
14 ~~fee changes in this section and section 25 are adequate to support~~
15 ~~the licensure program under this act.~~

16 (2) If a licensee desires to open a branch office, he or she
17 may receive a license for that branch following approval as
18 required in section 7 and payment to the department of the
19 following:

20 ~~—— (a) Beginning October 1, 2004, an additional fee of \$50.00 for~~
21 ~~each private security guard branch office license and \$100.00 for~~
22 ~~each security alarm system contractor branch office license.~~

23 ~~—— (b) Beginning October 1, 2002 and until October 1, 2004, an~~
24 ~~additional fee of \$250.00 for each private security branch office~~
25 ~~license and \$500.00 for each security alarm system contractor~~
26 ~~branch office license.~~

27 (3) The additional license issued under subsection (2) shall

1 be posted in a conspicuous place in the branch office and shall
2 expire on the same date as the initial license.

3 (4) Subject to subsection (5), if the license is denied,
4 revoked, or suspended for cause, no refund shall be made of the
5 license fees or a part thereof **OF THE LICENSE FEES.**

6 (5) ~~Beginning the effective date of the amendatory act that~~
7 ~~added this subsection~~ **JULY 23, 2004**, the department shall issue an
8 initial or renewal license not later than 180 days after the
9 applicant files a completed application. Receipt of the application
10 is considered the date the application is received by any agency or
11 department of the state of Michigan. If the application is
12 considered incomplete by the department, the department shall
13 notify the applicant in writing, or make the information
14 electronically available, within 30 days after receipt of the
15 incomplete application, describing the deficiency and requesting
16 the additional information. The 180-day period is tolled upon
17 notification by the department of a deficiency until the date the
18 requested information is received by the department. The
19 determination of the completeness of an application does not
20 operate as an approval of the application for the license and does
21 not confer eligibility of an applicant determined otherwise
22 ineligible for issuance of a license.

23 (6) If the department fails to issue or deny a license within
24 the time required by this section, the department shall return the
25 license fee and shall reduce the license fee for the applicant's
26 next renewal application, if any, by 15%. The failure to issue a
27 license within the time required under this section does not allow

1 the department to otherwise delay the processing of the
2 application, and that application, upon completion, shall be placed
3 in sequence with other completed applications received at that same
4 time. The department shall not discriminate against an applicant in
5 the processing of the application based upon the fact that the
6 license fee was refunded or discounted under this subsection.

7 (7) Beginning October 1, 2005, the director of the department
8 shall submit a report by December 1 of each year to the standing
9 committees and appropriations subcommittees of the senate and house
10 of representatives concerned with occupational issues. The director
11 shall include all of the following information in the report
12 concerning the preceding fiscal year:

13 (a) The number of initial and renewal applications the
14 department received and completed within the 180-day time period
15 described in subsection (5).

16 (b) The number of applications denied.

17 (c) The number of applicants not issued a license within the
18 180-day time period and the amount of money returned to licensees
19 and registrants under subsection (6).

20 (8) The fees collected by the department under this section
21 shall be deposited into the security business fund created in
22 subsection (9).

23 (9) The security business fund is created within the state
24 treasury. The department shall deposit all license fees collected
25 under this act into the fund. The state treasurer may receive money
26 or other assets from any source for deposit into the fund. The
27 state treasurer shall direct the investment of the fund. The state

1 treasurer shall credit to the fund interest and earnings from fund
2 investments. Money in the fund at the close of the fiscal year
3 shall remain in the fund and be available for appropriation and
4 expenditure by the department in subsequent fiscal years. The money
5 in the fund shall not lapse to the general fund. The department
6 shall expend money from the fund, upon appropriation, only for
7 enforcement and administration of this act.

8 (10) As used in this section, "completed application" means an
9 application complete on its face and submitted with any applicable
10 licensing fees as well as any other information, records, approval,
11 security, or similar item required by law or rule from a local unit
12 of government, a federal agency, or a private entity but not from
13 another department or agency of the state of Michigan.

14 Sec. 17. (1) A licensee may employ as many persons as he or
15 she considers necessary to assist him or her in his or her work of
16 security alarm system contractor, private security police, **PRIVATE**
17 **COLLEGE SECURITY FORCE**, or private security guard and in the
18 conduct of his or her business, and at all times during the
19 employment is accountable for the good conduct in the business of
20 each person so employed.

21 (2) Employees in the employ of a licensee after March 28, 2001
22 shall meet the qualifications outlined in section 6(1)(c), (e),
23 (j), and (k), be at least 18 years of age, and have had at least an
24 eighth grade education or its equivalent. An employee in the employ
25 of a licensee on or before March 28, 2001 shall meet the
26 qualifications outlined in section 6(1)(d), (e), (j), and (k), be
27 at least 18 years of age, and have had at least an eighth grade

1 education or its equivalent. Employees hired by a licensee after
2 ~~the effective date of the amendatory act that added this sentence~~
3 **JUNE 21, 2002** shall meet the qualifications outlined in section
4 6(1)(c), (e), (j), and (k), be at least 18 years of age, and have
5 at least a high school diploma, a GED, or its equivalent.

6 (3) A licensee shall keep and maintain in this state adequate
7 and complete personnel information on all persons employed by him
8 or her. A complete employee roster in a manner described by the
9 department shall be filed with the department by each licensee on a
10 quarterly basis. The rosters must be filed with the department by
11 April 15, July 15, October 15, and January 15 for the preceding
12 quarter. Failure to submit accurate rosters ~~shall be~~ **IS** cause for
13 suspension of the license. A renewal application shall not be
14 processed if the quarterly roster has not been received for each
15 quarter of the preceding 2-year license period.

16 (4) If a licensee falsely states or represents that a person
17 is or has been in his or her employ, the false statement or
18 representation is sufficient cause for the revocation of the
19 license.

20 (5) A person shall not falsely state or represent that he or
21 she is an agent of a licensed security alarm system contractor,
22 private security police officer, or private security guard. A
23 person who violates this subsection is guilty of a misdemeanor
24 punishable by imprisonment for not more than 93 days or a fine of
25 not more than \$500.00, or both.

26 Sec. 29. (1) The licensure of private security police **AND**
27 **PRIVATE COLLEGE SECURITY FORCES** shall be administered by the

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

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

26 **SEC. 37. (1) THIS SECTION AND SECTIONS 38 TO 43 APPLY ONLY TO**
27 **PRIVATE COLLEGE SECURITY FORCES.**

1 (2) THE GOVERNING BOARD OF A PRIVATE COLLEGE OR UNIVERSITY IN
2 THIS STATE THAT HAS STUDENTS RESIDING IN COLLEGE OR UNIVERSITY
3 HOUSING MAY CREATE A PRIVATE COLLEGE SECURITY FORCE AND APPOINT
4 PERSONS TO BE MEMBERS OF THAT PRIVATE COLLEGE SECURITY FORCE. THE
5 GOVERNING BOARD SHALL ASSIGN DUTIES, INCLUDING THE ENFORCEMENT OF
6 COLLEGE OR UNIVERSITY REGULATIONS, AND PRESCRIBE THE OATH OF
7 OFFICE.

8 (3) A PERSON APPOINTED UNDER SUBSECTION (2) SHALL BE KNOWN AND
9 DESIGNATED AS A PRIVATE COLLEGE SECURITY OFFICER AND IS FULLY
10 EMPOWERED UNDER THIS ACT AS A PRIVATE COLLEGE SECURITY OFFICER UPON
11 BEING APPOINTED BY A PRIVATE COLLEGE OR UNIVERSITY LICENSED UNDER
12 THIS ACT.

13 (4) PRIVATE COLLEGE SECURITY OFFICERS MUST MEET THE SELECTION
14 QUALIFICATIONS, STANDARDS, AND REQUIREMENTS PRESCRIBED IN R
15 28.14203, R 28.14204, R 28.14209, R 28.14313, R 28.14314, R
16 28.14315, R 28.14316, R 28.14317, R 28.14318, R 28.14319, AND R
17 28.14320 OF THE MICHIGAN ADMINISTRATIVE CODE, AS PROMULGATED BY THE
18 COMMISSION.

19 (5) PRIVATE COLLEGE SECURITY OFFICERS MAY PARTICIPATE IN THE
20 RECOGNITION OF PRIOR BASIC LAW ENFORCEMENT TRAINING AND EXPERIENCE
21 PROGRAM PRESCRIBED IN R 28.14401, R 28.14402, R 28.14403, R
22 28.14404, R 28.14405, R 28.14406, R 28.14407, R 28.14408, R
23 28.14409, R 28.14410, R 28.14413, AND R 28.14414 OF THE MICHIGAN
24 ADMINISTRATIVE CODE, AS PROMULGATED BY THE COMMISSION AND WILL BE
25 CONSIDERED TO BE CERTIFIED LAW ENFORCEMENT OFFICERS FOR PURPOSES OF
26 THE PRIOR RECOGNITION PROGRAM ONLY.

27 (6) INVESTIGATIONS CONDUCTED TO DETERMINE IF A CANDIDATE FOR

1 APPOINTMENT AS A PRIVATE COLLEGE SECURITY OFFICER MEETS THE
2 SELECTION QUALIFICATIONS, STANDARDS, AND REQUIREMENTS IN SUBSECTION
3 (4) ARE GOVERNED BY R 28.14601, R 28.14602, R 28.14603, R 28.14604,
4 R 28.14606, R 28.14608, AND R 28.14609 OF THE MICHIGAN
5 ADMINISTRATIVE CODE, AS PROMULGATED BY THE COMMISSION.

6 (7) A GOVERNING BODY OF A PRIVATE COLLEGE OR UNIVERSITY THAT
7 CREATES A PRIVATE COLLEGE SECURITY FORCE UNDER THIS SECTION MAY BE
8 SUBJECT TO A FEE PAYABLE TO THE COMMISSION UNDER SECTION 10(2) OF
9 THE COMMISSION ON LAW ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL
10 28.610.

11 SEC. 38. THE GOVERNING BOARD OF A PRIVATE COLLEGE OR
12 UNIVERSITY SHALL NOT CREATE A PRIVATE COLLEGE SECURITY FORCE UNDER
13 SECTION 37 UNLESS, BEFORE THAT SECURITY FORCE IS CREATED, THE
14 GOVERNING BOARD OBTAINS THE APPROVAL OF THE PROSECUTING ATTORNEY
15 AND THE SHERIFF OF EACH COUNTY WITHIN WHICH THE PRIVATE COLLEGE OR
16 UNIVERSITY OWNS, MAINTAINS, OR CONTROLS PROPERTY. IF THE PROPERTY
17 OF THE PRIVATE COLLEGE OR UNIVERSITY IS LOCATED ENTIRELY WITHIN 1
18 CITY, THE GOVERNING BOARD ALSO SHALL OBTAIN THE APPROVAL OF THE
19 CHIEF OF POLICE OF THAT CITY. IF THE PROPERTY OF THE PRIVATE
20 COLLEGE OR UNIVERSITY IS NOT LOCATED ENTIRELY WITHIN 1 CITY, THE
21 GOVERNING BOARD ALSO SHALL OBTAIN THE APPROVAL OF THE CHIEF OF
22 POLICE OF EACH CITY WITHIN WHICH THE PRIVATE COLLEGE OR UNIVERSITY
23 OWNS, MAINTAINS, OR CONTROLS PROPERTY. BEFORE GRANTING APPROVAL,
24 THE PROSECUTING ATTORNEY, THE SHERIFF, AND THE CHIEF OF POLICE, AS
25 REQUIRED, SHALL MAKE A DETERMINATION THAT THE PROPOSED LAW
26 ENFORCEMENT AGENCY IS NEEDED TO ASSURE ADEQUATE PUBLIC SAFETY ON
27 THE PROPERTY OF THE PRIVATE COLLEGE OR UNIVERSITY. ANY OF THE

1 PERSONS WHOSE APPROVAL IS REQUIRED UNDER THIS SECTION MAY RESCIND
2 THAT APPROVAL AT ANY TIME AFTER HIS OR HER APPROVAL WAS GRANTED, IN
3 WHICH CASE THE PRIVATE COLLEGE SECURITY FORCE IS NO LONGER
4 AUTHORIZED AND SHALL CEASE TO OPERATE.

5 SEC. 39. A WRITING PREPARED, OWNED, USED, IN THE POSSESSION
6 OF, OR RETAINED BY A PRIVATE COLLEGE OR UNIVERSITY IN CONNECTION
7 WITH A PRIVATE COLLEGE SECURITY FORCE CREATED UNDER SECTION 37 IS
8 SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231
9 TO 15.246.

10 SEC. 40. UPON BEING APPOINTED UNDER SECTION 37 BY A PRIVATE
11 COLLEGE OR UNIVERSITY LICENSED UNDER THIS ACT, PRIVATE COLLEGE
12 SECURITY OFFICERS HAVE THE POWER TO MAKE ARRESTS FOR VIOLATIONS OF
13 STATE STATUTES AND LOCAL ORDINANCES. THAT POWER MAY BE EXERCISED
14 ONLY ON PROPERTY OWNED OR LEASED BY THE PRIVATE COLLEGE OR
15 UNIVERSITY WHEREVER SITUATED. PRIVATE COLLEGE SECURITY OFFICERS MAY
16 NOT SERVE CIVIL PROCESS. PRIVATE COLLEGE SECURITY OFFICERS ARE NOT
17 CERTIFIED AS LAW ENFORCEMENT OFFICERS UNDER THE COMMISSION ON LAW
18 ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL 28.601 TO 28.616.

19 SEC. 41. THE GOVERNING BOARD OF A PRIVATE COLLEGE OR
20 UNIVERSITY SHALL NOT GRANT POWERS AND AUTHORITY TO THE PRIVATE
21 COLLEGE SECURITY OFFICERS OF THE PRIVATE COLLEGE OR UNIVERSITY
22 UNLESS, BEFORE THOSE POWERS AND AUTHORITY ARE GRANTED, THE
23 GOVERNING BOARD ESTABLISHES A PRIVATE COLLEGE SECURITY FORCE
24 OVERSIGHT COMMITTEE. THE COMMITTEE SHALL BE COMPOSED OF THE SHERIFF
25 AND THE PROSECUTING ATTORNEY OF THE COUNTY IN WHICH THE PRIVATE
26 COLLEGE OR UNIVERSITY IS LOCATED, THE CHIEF OF POLICE IF THE
27 PRIVATE COLLEGE OR UNIVERSITY IS LOCATED IN A MUNICIPALITY THAT HAS

1 A POLICE FORCE, AND 6 INDIVIDUALS APPOINTED BY THE ADMINISTRATION
2 OF THE PRIVATE COLLEGE OR UNIVERSITY. THE COMMITTEE SHALL RECEIVE
3 AND ADDRESS GRIEVANCES BY PERSONS AGAINST THE PRIVATE COLLEGE
4 SECURITY OFFICERS OR THE PRIVATE COLLEGE SECURITY FORCE OF THE
5 PRIVATE COLLEGE OR UNIVERSITY. THE COMMITTEE MAY RECOMMEND TO THE
6 GOVERNING BOARD THAT DISCIPLINARY MEASURES BE TAKEN BY THE PRIVATE
7 COLLEGE OR UNIVERSITY AGAINST A PRIVATE COLLEGE SECURITY OFFICER
8 WHO IS FOUND RESPONSIBLE FOR MISCONDUCT IN OFFICE.

9 SEC. 42. MEMBERS OF THE PRIVATE COLLEGE SECURITY FORCE AT A
10 PRIVATE COLLEGE OR UNIVERSITY ARE NOT ELIGIBLE TO PARTICIPATE IN
11 ANY STATE, COUNTY, OR MUNICIPAL RETIREMENT SYSTEM AND SHALL NOT BE
12 REIMBURSED FOR TRAINING WITH STATE FUNDS. THE UNIFORMS, VEHICLES,
13 AND BADGES OF PRIVATE COLLEGE SECURITY OFFICERS SHALL BE
14 DISTINCTIVE FROM THOSE OF THE LOCAL LAW ENFORCEMENT AGENCY WHERE
15 THE PRIVATE COLLEGE OR UNIVERSITY IS LOCATED.

16 SEC. 43. THE GOVERNING BOARD OF A PRIVATE COLLEGE OR
17 UNIVERSITY THAT CREATES A PRIVATE COLLEGE SECURITY FORCE SHALL
18 PROVIDE LIABILITY INSURANCE COVERAGE FOR EACH MEMBER OF THE PRIVATE
19 COLLEGE SECURITY FORCE WITHOUT COST TO THE MEMBER, WHICH WILL
20 INSURE THE MEMBER AGAINST ANY LIABILITY ARISING OUT OF OR IN THE
21 COURSE OF THE MEMBER'S EMPLOYMENT FOR NOT LESS THAN \$250,000.00 OF
22 COVERAGE, UNLESS THAT INDEMNIFICATION IS PROVIDED BY A PROGRAM OF
23 SELF-INSURANCE.

24 Enacting section 1. This amendatory act does not take effect
25 unless Senate Bill No. ____ or House Bill No. 5094(request no.
26 02432'09 a *) of the 95th Legislature is enacted into law.