

SUBSTITUTE FOR
HOUSE BILL NO. 4588

(As amended October 20, 2016)

A bill to amend 1968 PA 330, entitled
"Private security business and security alarm act,"
by amending sections 37 and 39 (MCL 338.1087 and 338.1089), as
added by 2010 PA 68, and by adding section 37a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 37. (1) This section and sections 38 to 42 apply only to
2 private college security forces.

3 (2) <<SUBJECT TO SUBSECTION (10) AND CONSISTENTConsistent>> with
4 this act, a private college or university
5 in this state that has students residing in college or university
6 housing **MAY**, through action of its governing board, ~~may~~ authorize a
7 private college security force. The action of the governing board
8 shall do all of the following:

8 (a) Authorize a private college security force.

9 (b) Authorize appointment of persons to be members of that

1 private college security force.

2 (c) Authorize the assignment of duties, including the
3 enforcement of college or university regulations, **AND STATE AND**
4 **LOCAL LAW UNDER SECTION 37A.**

5 (d) Prescribe the oath of office.

6 (e) Limit employment to those individuals who meet the
7 requirements of subsections (4), (5), (6), and (7). ~~and section 40.~~

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~~ **MAY** act as a private college security officer
11 upon being appointed by a private college or university licensed
12 under this act.

13 (4) Except as provided in subsection (7), private college
14 security officers must meet the selection qualifications prescribed
15 in R 28.14203, R 28.14204, and R 28.14209 of the Michigan
16 administrative code, and must meet the standards and requirements
17 applicable to at least 1 category of recruits as set forth in R
18 28.14313 (military preservice recruits), R 28.14314 (basic
19 recruits), R 28.14315 (preservice recruits and preservice college
20 recruits), R 28.14316 (preservice college recruits), and R 28.14317
21 (agency basic recruits) of the Michigan administrative code, as
22 promulgated by the commission.

23 (5) Private college security forces are subject to the
24 provisions of R 28.14318, R 28.14319, and R 28.14320 of the
25 Michigan administrative code, as promulgated by the commission.

26 (6) Except as provided in subsection (7), private college
27 security officers may participate in the recognition of prior basic

1 law enforcement training and experience program as prescribed in R
2 28.14401, R 28.14402, R 28.14403, R 28.14404, R 28.14405, R
3 28.14406, R 28.14407, R 28.14408, R 28.14409, R 28.14410, R
4 28.14413, and R 28.14414 of the Michigan administrative code, as
5 promulgated by the commission.

6 (7) Subsections (4), (5), and (6) do not apply to an
7 individual who meets all of the following requirements:

8 (a) He or she is employed as a security officer by a private
9 college or university on ~~the effective date of this act.~~ **JULY 12,**
10 **1968.**

11 (b) He or she is certified as a law enforcement officer by the
12 commission on ~~the effective date of this act~~ **JULY 12, 1968** or was
13 previously certified as a law enforcement officer by the commission
14 while employed by the private college or university as a law
15 enforcement officer but that certification became void during that
16 period of employment.

17 (c) The private college or university authorizes the creation
18 of a private college security force under this act.

19 (8) Investigations conducted to determine if a candidate for
20 appointment as a private college security officer meets the
21 selection qualifications, standards, and requirements in subsection
22 (4) are governed by R 28.14601, R 28.14602, R 28.14603, R 28.14604,
23 R 28.14606, R 28.14608, and R 28.14609 of the Michigan
24 administrative code, as promulgated by the commission. This section
25 ~~shall not be interpreted to~~ **DOES NOT** require the commission to
26 conduct the investigation or review of an applicant for employment
27 as a private college security officer.

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(9) The governing board of a private college or university that creates a private college security force under this section may be subject to a fee payable to the commission under section 10(2)-11 of the commission on law enforcement standards act, 1965 PA 203, MCL 28.610.

<<(10) THE GOVERNING BOARD OF A PRIVATE COLLEGE OR UNIVERSITY THAT CREATES A PRIVATE COLLEGE SECURITY FORCE UNDER THIS SECTION AND THAT INTENDS TO APPOINT PRIVATE COLLEGE SECURITY OFFICERS WHO ARE SWORN AND FULLY EMPOWERED TO EXERCISE THE AUTHORITY AND POWER OF A PEACE OFFICER UNDER SECTION 37A SHALL ENSURE THAT NOT LESS THAN 50% OF THOSE PRIVATE COLLEGE SECURITY OFFICERS HAVE BEEN EMPLOYED AS CERTIFIED OR LICENSED LAW ENFORCEMENT OFFICERS UNDER THE MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL 28.601 TO 28.615, FOR NOT LESS THAN 5 YEARS.>>

SEC. 37A. (1) A PRIVATE COLLEGE SECURITY OFFICER APPOINTED UNDER SECTION 37 MAY BE SWORN AND FULLY EMPOWERED BY THE CHIEF OF POLICE OF A VILLAGE, CITY, OR TOWNSHIP LAW ENFORCEMENT AGENCY, OR DEPUTIZED BY A SHERIFF AS A DEPUTY SHERIFF, EXCLUDING DEPUTATION AS A SPECIAL DEPUTY, AS PROVIDED IN SECTION 9D OF THE COMMISSION ON LAW ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL 28.609D.

(2) A PRIVATE COLLEGE SECURITY OFFICER SWORN AND FULLY EMPOWERED AS PROVIDED IN THIS SECTION MAY EXERCISE THE AUTHORITY AND POWER OF A PEACE OFFICER AS PRESCRIBED IN AN OATH OF OFFICE ADMINISTERED BY A CHIEF OF POLICE OF A VILLAGE, CITY, OR TOWNSHIP LAW ENFORCEMENT AGENCY, OR COUNTY SHERIFF, AS PROVIDED IN SECTION 9D OF THE COMMISSION ON LAW ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL 28.609D.

~~Sec. 39. Upon being appointed under section 37 by a private college or university licensed under this act, private college security officers have the power to make arrests as provided in section 30. That power may be exercised only on property owned or leased by the private college or university wherever situated. Private college security officers are not certified as law enforcement officers under the commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.616.~~

(1) UNLESS SWORN AND FULLY EMPOWERED AS PROVIDED IN SECTION

1 37A, UPON BEING APPOINTED UNDER SECTION 37 BY A PRIVATE COLLEGE OR
2 UNIVERSITY LICENSED UNDER THIS ACT, PRIVATE COLLEGE SECURITY
3 OFFICERS HAVE THE POWER TO MAKE ARRESTS AS PROVIDED IN SECTION 30.

4 (2) UNLESS SWORN AND FULLY EMPOWERED AS PROVIDED IN SECTION
5 37A, UPON BEING APPOINTED UNDER SECTION 37 BY A PRIVATE COLLEGE OR
6 UNIVERSITY LICENSED UNDER THIS ACT, PRIVATE COLLEGE SECURITY
7 OFFICERS MAY EXERCISE THE POWERS CONFERRED IN THIS ACT ONLY ON
8 PROPERTY OWNED OR LEASED BY THE PRIVATE COLLEGE OR UNIVERSITY,
9 WHEREVER SITUATED.

10 (3) UNLESS SWORN AND FULLY EMPOWERED AS PROVIDED IN SECTION
11 37A, PRIVATE COLLEGE SECURITY OFFICERS ARE NOT LAW ENFORCEMENT
12 OFFICERS AS DEFINED IN THE COMMISSION ON LAW ENFORCEMENT STANDARDS
13 ACT, 1965 PA 203, MCL 28.601 TO 28.616.

14 Enacting section 1. This amendatory act does not take effect
15 unless Senate Bill No. 92 of the 98th Legislature is enacted into
16 law.