

# HOUSE BILL No. 4347

March 14, 2017, Introduced by Rep. Hammoud and referred to the Committee on Judiciary.

A bill to amend 1968 PA 330, entitled  
"Private security business and security alarm act,"  
by amending section 17a (MCL 338.1067a), as added by 2012 PA 591,  
and by adding section 17b.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 17a. **(1)** If a private security guard, private security  
2 police officer, or private college security force officer acting in  
3 the course of his or her employment reasonably suspects that any of  
4 the following crimes have occurred, he or she shall immediately  
5 notify a law enforcement agency of that suspected crime:

6       (a) An assaultive crime, as defined in section 9a of chapter X  
7 of the code of criminal procedure, 1927 PA 175, MCL 770.9a.

8       (b) A violation of section 145c or 539j of the Michigan penal  
9 code, 1931 PA 328, MCL 750.145c and 750.539j.

10       **(2) A PRIVATE SECURITY GUARD WHO IS PROPERLY LICENSED UNDER**

1 THIS ACT HAS THE AUTHORITY TO ARREST AN INDIVIDUAL WITHOUT A  
2 WARRANT, AS SET FORTH FOR PUBLIC PEACE OFFICERS IN SECTION 15 OF  
3 CHAPTER IV OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL  
4 764.15, IN A CITY, VILLAGE, OR TOWNSHIP IF ALL OF THE FOLLOWING ARE  
5 MET:

6 (A) THE PRIVATE SECURITY GUARD IS ACTING WITHIN THE SCOPE OF  
7 HIS OR HER EMPLOYMENT AS A PRIVATE SECURITY GUARD, ON THE PREMISES  
8 OF A QUALIFIED MALL PROPERTY, AT THE TIME THE ARREST IS MADE.

9 (B) THE ARREST OCCURS DURING THE PRIVATE SECURITY GUARD'S  
10 HOURS OF EMPLOYMENT.

11 (C) THE ARREST OCCURS WITHIN THE BOUNDARIES OF THE QUALIFIED  
12 MALL PROPERTY.

13 (D) THE PRIVATE SECURITY GUARD IS IN A FULL UNIFORM THAT  
14 IDENTIFIES HIS OR HER EMPLOYER.

15 (E) THE CITY, VILLAGE, OR TOWNSHIP HAS NOT ADOPTED AN  
16 ORDINANCE THAT PROHIBITS PRIVATE SECURITY GUARDS FROM ARRESTING  
17 INDIVIDUALS IN THAT CITY, VILLAGE, OR TOWNSHIP WITHOUT A WARRANT.

18 (F) AT THE TIME THE ARREST IS MADE, THE MALL HAS A SIGN POSTED  
19 IN A CONSPICUOUS LOCATION AT EACH PUBLIC ENTRANCE AND EXIT THAT  
20 STATES THAT PRIVATE SECURITY GUARDS HAVE THE AUTHORITY TO ARREST  
21 INDIVIDUALS ON THE PREMISES. HOWEVER, THIS SUBDIVISION DOES NOT  
22 APPLY IF THE QUALIFIED MALL PROPERTY IS LOCATED IN A CITY, VILLAGE,  
23 OR TOWNSHIP THAT HAS ADOPTED AN ORDINANCE DESCRIBED IN SUBDIVISION  
24 (E).

25 (3) AS USED IN THIS SECTION, "QUALIFIED MALL PROPERTY" MEANS  
26 A SHOPPING MALL, AND THE PROPERTY ON WHICH IT IS LOCATED, THAT  
27 MEETS ALL OF THE FOLLOWING:

1 (A) THE MALL HAS MORE THAN 10,000,000 VISITORS EACH YEAR.

2 (B) THE MALL HAS MORE THAN 1,000,000 SQUARE FEET OF INTERIOR  
3 SPACE.

4 (C) THE MALL IS LOCATED ON MORE THAN 100 ACRES OF PROPERTY.

5 (D) THE MALL IS REGULARLY SERVICED BY BUSES OPERATED BY A  
6 PUBLIC TRANSIT AGENCY.

7 (E) THE MALL HAS AT LEAST 1 HOLDING CELL FOR DETAINEES AND THE  
8 CELL IS MONITORED BY CLOSED-CIRCUIT TELEVISION.

9 (F) THE MALL HAS A VEHICLE AVAILABLE TO TRANSPORT DETAINEES TO  
10 A LOCAL LAW ENFORCEMENT FACILITY AND THE VEHICLE HAS A SECURITY  
11 CAGE.

12 SEC. 17B. (1) BEGINNING 90 DAYS AFTER THE EFFECTIVE DATE OF  
13 THIS SECTION, A PERSON THAT IS LICENSED AS A PRIVATE SECURITY GUARD  
14 OR PRIVATE SECURITY GUARD AGENCY SHALL ENSURE THAT ALL OF THE  
15 FOLLOWING ARE MET:

16 (A) THAT THE LICENSEE, IF THE LICENSEE IS AN INDIVIDUAL, AND  
17 EACH EMPLOYEE OF THE LICENSEE WHO PROVIDES PROTECTION OF PROPERTY  
18 ON ANOTHER PERSON'S PREMISES COMPLETE TRAINING IN AT LEAST ALL OF  
19 THE FOLLOWING BEFORE THAT INDIVIDUAL PROVIDES PROTECTION OF  
20 PROPERTY ON ANOTHER PERSON'S PREMISES:

21 (i) FIRST AID, CARDIOPULMONARY RESUSCITATION, AND FOREIGN BODY  
22 OBSTRUCTION OF THE AIRWAY MANAGEMENT.

23 (ii) EMERGENCY PREPAREDNESS.

24 (iii) PROPER USE OF TASERS, PEPPER SPRAY, AND OTHER SELF-  
25 DEFENSE DEVICES AND AGENTS.

26 (iv) PROPER USE OF FIREARMS, IF THE EMPLOYEE IS AUTHORIZED TO  
27 CARRY A FIREARM IN THE COURSE OF HIS OR HER EMPLOYMENT.

1 (v) TECHNIQUES FOR NONVIOLENT INTERVENTION.

2 (vi) PATROL OPERATION.

3 (vii) LEGAL ASPECTS OF THE SECURITY GUARD BUSINESS AND THE USE  
4 OF FORCE, INCLUDING, BUT NOT LIMITED TO, CRIMINAL LAW AND  
5 PROCEDURE, CIVIL LAW, AND DIVERSITY.

6 (viii) CUSTOMER SERVICE ISSUES, INCLUDING, BUT NOT LIMITED TO,  
7 WORKING WITH AND ADDRESSING THE PUBLIC.

8 (B) THAT EACH INDIVIDUAL DESCRIBED IN SUBDIVISION (A)  
9 COMPLETES ADDITIONAL TRAINING IN AT LEAST THE TOPICS DESCRIBED IN  
10 SUBDIVISION (A) (i) TO (viii) AT LEAST EVERY 2 YEARS AFTER HIS OR  
11 HER INITIAL TRAINING UNDER SUBDIVISION (A).

12 (C) THAT BEFORE HE OR SHE PROVIDES PROTECTION OF PROPERTY ON  
13 ANOTHER PERSON'S PREMISES, AN INDIVIDUAL DESCRIBED IN SUBDIVISION  
14 (A) SUCCESSFULLY COMPLETES A COURSE APPROVED BY THE DEPARTMENT IN  
15 FIRST AID AND CARDIOPULMONARY RESUSCITATION, INCLUDING A TEST  
16 DEMONSTRATION ON A MANNEQUIN; SUCCESSFULLY COMPLETES INSTRUCTION  
17 APPROVED BY THE DEPARTMENT IN FOREIGN BODY AIRWAY OBSTRUCTION  
18 MANAGEMENT; AND HOLDS, AND MAINTAINS AT ALL TIMES HE OR SHE IS  
19 ENGAGED IN PROVIDING PROTECTION OF PROPERTY ON ANOTHER PERSON'S  
20 PREMISES FOR THE LICENSEE, VALID CERTIFICATION IN THE TOPICS  
21 DESCRIBED IN THIS SUBDIVISION THAT IS ISSUED BY THE AMERICAN RED  
22 CROSS, AMERICAN HEART ASSOCIATION, OR A COMPARABLE ORGANIZATION OR  
23 INSTITUTION APPROVED BY THE DEPARTMENT.

24 (2) FOR PURPOSES OF SUBSECTION (1), THE DEPARTMENT BY RULE  
25 SHALL ESTABLISH TRAINING REQUIREMENTS FOR INDIVIDUALS LICENSED AS  
26 PRIVATE SECURITY GUARDS AND FOR EMPLOYEES OF PRIVATE SECURITY GUARD  
27 AGENCIES WHO ARE ENGAGED IN PROVIDING PROTECTION OF PROPERTY ON

1 ANOTHER PERSON'S PREMISES. THE REQUIREMENTS SHALL INCLUDE TRAINING  
2 IN AT LEAST THOSE TOPICS DESCRIBED IN SUBSECTION (1) (A) (i) TO  
3 (viii) , AND SHALL INCLUDE ANY OTHER REQUIREMENTS THAT THE  
4 DEPARTMENT DETERMINES ARE APPROPRIATE FOR THE IMPLEMENTATION,  
5 ADMINISTRATION, AND ENFORCEMENT OF THE TRAINING REQUIREMENTS  
6 DESCRIBED IN SUBSECTION (1) .

7 Enacting section 1. This amendatory act takes effect 90 days  
8 after the date it is enacted into law.