

HOUSE BILL No. 4274

February 22, 1989, Introduced by Reps. Joe Young, Jr., Joe Young, Sr., Wallace and Saunders and referred to the Committee on State Affairs.

A bill to license and regulate persons engaged in the business of providing or maintaining security; to prescribe the powers and duties of the department of licensing and regulation; to provide agents of the department of licensing and regulation with the powers of peace officers; to prescribe penalties; and to repeal certain acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "private security act".

3 Sec. 2. For the purposes of this act, the words and phrases
4 defined in sections 3 to 5 have the meanings ascribed to them in
5 those sections.

6 Sec. 3. (1) "Agency identification card" means an
7 identification card issued to a licensee by the department.

1 (2) "Applicant" means a person who applies for licensing as
2 a security guard agency.

3 (3) "Business of providing security" means furnishing or
4 maintaining, by contract or any other agreement, security offi-
5 cers, separately or collectively, as an individual or employer,
6 to provide security.

7 (4) "Certificate of training" means a written statement by a
8 licensee or parent company on a form prescribed by the department
9 certifying that an employee of the licensee has received the
10 training prescribed by this act.

11 (5) "Department" means the department of licensing and
12 regulation.

13 (6) "Director" means the director of the department.

14 Sec. 4. (1) "License" means a security guard agency
15 license.

16 (2) "Licensee" means a person licensed as a security guard
17 agency. Licensee includes a parent company if a parent company
18 is licensed under this act.

19 (3) "Parent company" means a person who maintains a propri-
20 etary security organization.

21 (4) "Person" means an individual, association, corporation,
22 partnership, or other entity.

23 (5) "Proprietary security organization" means that portion
24 or subsidiary of a parent company which is responsible for pro-
25 viding security solely for the parent company.

1 (6) "Public" means those persons or individuals who are not
2 employees on the premises or at the location where a security
3 service is being performed.

4 Sec. 5. (1) "Security" means any of the following:

5 (a) The prevention or discouraging of the destruction,
6 theft, concealment, or misappropriation of goods, merchandise,
7 supplies, money, notes, choses in action, or other documents or
8 articles of value either at a fixed location or while in transit
9 from 1 point to another.

10 (b) The protection of employees or the public as designated
11 by the licensee.

12 (c) The providing of protection for real property.

13 (2) "Security guard agency" means a person engaged in the
14 business of providing security.

15 (3) "Security officer" means an individual who provides
16 security and meets the training requirements of this act.

17 (4) "Security officer training card" means a numbered iden-
18 tification card issued by the department to a person whom a
19 licensee certifies as having received the training prescribed by
20 this act.

21 (5) "Security personnel" means, collectively or individual-
22 ly, security officers who provide or maintain security, including
23 persons engaged in the supervision of those persons.

24 (6) "Security watchman" means an individual who has com-
25 pleted the minimum training provided for in section 29(1) and who
26 does not do any of the following:

1 (a) Carry or have immediate access to a weapon.

2 (b) Respond to an alarm other than an alarm on the premises
3 where the person is providing security unless a security officer
4 or a police officer also responds to the alarm.

5 (c) Have contact with the public while performing his or her
6 duties.

7 Sec. 6. (1) A person shall not engage in the business of
8 providing security regardless of other functions and services
9 that may also be performed by the person unless licensed under
10 this act.

11 (2) A person shall not advertise himself or herself as being
12 in the business of providing security, or as a security officer
13 agency, unless that person has obtained a security guard agency
14 license from the department for each bureau, agency, subagency,
15 office, and branch office to be owned, conducted, managed, or
16 maintained for the conduct of that business.

17 Sec. 7. (1) Upon application, the department shall issue to
18 an applicant a license to conduct business of providing security
19 to a person who fulfills the requirements of section 8.

20 (2) A license shall be valid for 3 years from the date of
21 issuance.

22 (3) Upon the issuance of a license as a security guard
23 agency, the person shall not be required to obtain any other
24 license relative to the business of providing security from a
25 political subdivision of this state.

26 Sec. 8. The department shall issue a security guard agency
27 license to an individual, or if a person other than an

1 individual, to a person whose sole or principal license holder
2 who meets all of the following qualifications:

3 (a) Is not less than 18 years of age.

4 (b) Has a high school education or a general educational
5 development test certificate.

6 (c) Is at the time of application, and has been for not less
7 than 6 months immediately preceding date of application, a resi-
8 dent of this state.

9 (d) Has not been convicted for the commission of a felony in
10 the 5 years immediately preceding the date of application.

11 (e) Has not been convicted, within the 3 years immediately
12 preceding the date of application, of a crime involving intoxica-
13 tion or use of a controlled substance, or has not been convicted
14 3 or more times of an assaultive crime.

15 (f) Has not, for the 5 years immediately preceding the date
16 of application, engaged in conduct which would be a violation of
17 this act.

18 (g) Has not been dishonorably discharged from a branch of
19 the United States military service, within the 5 years immedi-
20 ately preceding the date of application, for the commission of a
21 crime involving moral turpitude, larceny or theft, possession or
22 carrying of a dangerous weapon, or the use, possession, or sale
23 of controlled substances.

24 (h) Is not employed as a law enforcement officer by a state,
25 a political subdivision of a state, or the United States
26 government.

1 (j) Has been lawfully engaged in 1 or more of the
2 following:

3 (i) In the security guard agency business as a corporate
4 officer or partner for not less than 3 years, during which time
5 the individual was directly involved in business operations.

6 (ii) In the security guard agency business as a corporate
7 officer or partner for a period of not less than 3 years, during
8 which time the individual was directly involved in business oper-
9 ations as a supervisor.

10 (iii) In law enforcement employment in an administrative
11 capacity on a full-time basis for not less than 4 years for a
12 township, village, city, county, or state government, or for the
13 United States government, but is no longer employed in that law
14 enforcement capacity.

15 (iv) In the business of providing security as an employee
16 providing security for not less than 2 years on a full-time
17 basis, and possessing a 2-year degree or its equivalent in the
18 field of security from an accredited college or university.

19 (k) Has posted with the department a bond provided for in
20 section 11(2).

21 (l) Has not been adjudged a person requiring treatment,
22 unless restored to health as provided by law.

23 (m) Has complied with the requirements of sections 9 and
24 10.

25 Sec. 9. (1) The department shall prepare an application
26 form for the license, and shall require the person filing the
27 application to list as references not less than 5 reputable

1 persons, not related to the applicant by blood or marriage, who
2 have known the applicant for not less than 5 years, and who can
3 attest that the applicant is honest, of good character, and
4 competent.

5 (2) A nonrefundable filing fee of \$50.00 shall accompany
6 each application for licensure. Upon approval of the applica-
7 tion, the filing fee shall be applied to the license fee.

8 (3) Upon receipt of the application and filing fee, the
9 department shall investigate the applicant's reputation for
10 truth, honesty, integrity, competency, proper past business prac-
11 tices, and ethical dealing. If any of the standards listed in
12 this subsection are found deficient, the department may deny the
13 application if documentation of the basis of the denial is pro-
14 vided by the department to the applicant.

15 (4) The application shall not be complete until the appli-
16 cant has received the approval of the prosecuting attorney and
17 the sheriff of the county within which the principal office of
18 the applicant is to be located. If the prosecutor, sheriff, or
19 chief law enforcement officer refuses to provide approval, the
20 reasons for that refusal shall be submitted to the department in
21 writing before the expiration of 10 business days after the date
22 approval was requested. The director may issue a license without
23 the approval of the prosecutor, sheriff, or chief law enforcement
24 officer, if the applicant can show the refusal of approval to be
25 unreasonable or without merit.

26 Sec. 10. (1) The individual signing an application shall,
27 together with the application, submit to the department 2

1 photographs of the individual measuring 1-1/2 by 1-1/2 inches,
2 taken not more than 6 months immediately preceding the date of
3 application.

4 (2) If the applicant is a corporation, the application shall
5 specify the name of the individual to whom the license shall be
6 issued; the name of the corporation; the date and place of its
7 incorporation; the location of the corporation's principal place
8 of business; and the location of the bureau, agency, subagency,
9 office, or branch office for which the license is desired. The
10 application shall be accompanied by a certified copy of a certifi-
11 cate of incorporation and a statement signed by the president,
12 secretary, and treasurer of the corporation verifying the accu-
13 racy of the application. The department may require the applica-
14 tion to provide information demonstrating compliance with the
15 state and federal employment laws.

16 Sec. 11. (1) If the applicant has met the other require-
17 ments of this act for licensure, the department shall issue a
18 license upon the applicant's paying to the department for each
19 license a fee of \$300.00. A license fee shall not be refunded
20 unless a showing is made of ineligibility to receive the license
21 by failure to meet the requirements of this act, or by a showing
22 of mistake, inadvertence, or error in the collection of the fee.
23 A fee shall not be refunded due to a suspension or revocation of
24 the license.

25 (2) The fee required to be filed under subsection (1) shall
26 be accompanied by a surety bond in the sum of \$5,000.00 or a
27 policy of insurance. The bond shall be conditioned upon the

1 faithful and honest conduct of the business by the applicant,
2 approved by the commissioner of insurance, cover the period for
3 which the license is issued, and taken in the name of the people
4 of the state. A person injured by the willful, malicious, and
5 wrongful act of a licensee or an agent or employee of the
6 licensee may bring an action on the bond in his or her own name
7 to recover damages suffered by reason of that act. Instead of a
8 bond, an applicant may furnish a policy of insurance issued by an
9 insurer authorized to do business in this state naming the
10 licensee and the state as co-insureds in the amount of \$20,000.00
11 property damages, \$100,000.00 for injury to or death of 1 person,
12 and \$200,000.00 for injuries to or deaths of more than 1 person
13 arising out of the operation of a security guard agency.

14 (3) The license shall be in a form prescribed by the depart-
15 ment and shall specify the full name of the applicant, the loca-
16 tion of the principal office or place of business, the location
17 of the bureau, agency, subagency, office, or branch office for
18 which the license is issued, the date on which the license will
19 expire, and the name of the individual filing the application. A
20 security guard agency shall have 1 principal individual, as named
21 on the license, who shall be responsible for compliance with this
22 act. A license issued under this act is not assignable and is
23 nontransferable. Upon receipt of a license, the licensee shall
24 post the license in a conspicuous place in his or her office.

25 (4) An agency identification card shall be issued to the
26 person named on the license.

1 (5) If a licensee desires to open a branch office or
2 subagency, the licensee shall receive a license for that branch
3 or subagency following approval by the department and payment to
4 the department of an additional fee of \$25.00 for each branch
5 office or subagency license. The branch office or subagency
6 license shall be posted in a conspicuous place in the branch
7 office or subagency and shall expire concurrent with the date of
8 the license.

9 Sec. 12. A change in the name or location of the licensee
10 or of a branch office or subagency of the licensee shall be
11 reported in writing to the department not less than 3 days before
12 the change becomes effective, upon receipt of which the depart-
13 ment shall prepare and forward a license showing the change. The
14 licensee shall return the old license before the expiration of 3
15 business days after the date of the change. If the location
16 change places the security guard agency in another county or city
17 or village, the department shall not issue a new license until
18 the prosecutor of that county and the sheriff of that county or
19 chief law enforcement officer of that city or village have been
20 notified by the department.

21 Sec. 13. (1) The form and contents of the agency identifi-
22 cation card issued under section 11 shall be prescribed by the
23 department.

24 (2) Only 1 agency identification card shall be issued. The
25 licensee shall be responsible for the maintenance, custody, and
26 control of the license and the agency identification card. The

1 licensee shall not let, loan, sell the license or agency
2 identification card, or otherwise permit its unauthorized use.

3 (3) Upon application and for sufficient reasons shown, the
4 department may issue duplicates of the original license or agency
5 identification card.

6 Sec. 14. (1) The department shall renew a license issued
7 under this act upon application for license renewal by the
8 licensee, and upon payment of a renewal fee of \$200.00 and filing
9 of a renewal surety bond or policy of insurance in the amount
10 equivalent to that specified in section 11.

11 (2) A renewal license shall be dated as of the expiration
12 date of the previously existing license. For the renewal of a
13 license, the licensee shall submit an application in the form
14 prescribed by the department, and a license shall promptly be
15 issued by the department. Notice of the renewal application
16 shall be submitted to the sheriff or chief law enforcement offi-
17 cer and the prosecuting attorney of the county within which the
18 principal office of the license is located. If the sheriff,
19 chief law enforcement officer, or prosecuting attorney refuses
20 approval, the reasons shall be submitted to the department in
21 writing before the expiration of 10 days after the date of the
22 receipt of notice of renewal of the license. The director may
23 issue a license without the approval if the applicant can show
24 the refusal of approval to be unreasonable or without merit.

25 (3) The department shall renew an expired license if the
26 application for renewal is made before the expiration of 60
27 calendar days after the date of the expiration of the previous

1 license. A renewal application received after expiration of the
2 previous existing license, but before the expiration of the
3 60-day period, shall be accompanied by a surety bond or policy of
4 insurance as required by section 11, showing coverage for the
5 period the license was expired.

6 (4) An application for renewal submitted after the 60-day
7 period following the expiration of the previous license shall be
8 considered a new application and the applicant shall be subject
9 to the licensure qualifications specified in section 8.

10 Sec. 15. (1) Subject to subsection (2), upon the death of
11 the individual whose name appears on the license, the business of
12 the licensee may be carried on for 90 days by the following:

13 (a) If an individual licensee, the surviving spouse, or if
14 there is no surviving spouse, the personal representative of the
15 estate of the decedent.

16 (b) If a partner, by the surviving partners.

17 (c) If an officer of a company, association, organization,
18 or corporation, by the officers.

19 (2) Before the expiration of 10 days following the death of
20 the individual whose name appears on the license, the person
21 legally authorized to carry on the business shall notify the
22 department in writing of the death. The notification shall state
23 the name of the person legally authorized to carry on the busi-
24 ness of the deceased. Failure to comply with this subsection
25 abrogates the right granted under subsection (1).

26 (3) Upon the written authorization of the department, the
27 business may be carried on for more than 90 days if necessary to

1 complete any business commitments pending at the death of the
2 decedent.

3 (4) This section shall not be construed to restrict the sale
4 of a security guard agency, if the purchaser is otherwise quali-
5 fied for licensure under this act.

6 (5) The department may issue a temporary license for a
7 security guard agency for its continued operation if a licensee
8 becomes incapacitated or leaves the agency. The temporary
9 license shall be for not more than 90 days' duration. The
10 licensee shall name a security guard agency which would qualify
11 for a license under this act as the responsible party or tempo-
12 rary licensee. The temporary licensee shall file an application
13 within 10 days after the licensee becomes incapacitated or leave
14 the agency.

15 Sec. 16. (1) The department may deny, suspend, or revoke a
16 license, upon notice and hearing, if the department determines,
17 upon good cause shown, that an applicant, licensee, or a manager,
18 officer, director, or partner of the licensee did any of the
19 following:

20 (a) Made a false statement or gave false information in con-
21 nection with an application for a license or a renewal of a
22 license.

23 (b) Willfully violated this act.

24 (c) While licensed, became ineligible for licensing by no
25 longer meeting the qualifications and restrictions prescribed in
26 section 8.

1 (d) While licensed, knowingly continued the employment of an
2 individual convicted of a felony, a misdemeanor for which a term
3 of imprisonment of more than 90 days may be imposed, or a crime
4 involving 1 or more of the following:

5 (i) Moral turpitude.

6 (ii) Dishonesty or fraud.

7 (iii) Unauthorized divulging or selling of information or
8 evidence.

9 (iv) Impersonation of a law enforcement officer or employee
10 of the United States or a state or political subdivision of a
11 state.

12 (v) Using, carrying, or possessing a dangerous weapon.

13 (vi) Intoxication.

14 (vii) Using, selling, or possessing a controlled substance.

15 (viii) Assault or battery.

16 (2) A license suspension shall be for not more than 6
17 months, and shall only be imposed after notice and a hearing. If
18 a security guard agency continues to engage in the business of
19 providing security after the license is suspended, the department
20 may revoke the license.

21 (3) Upon notification from the department of the revocation
22 or suspension of the license, the licensee shall surrender the
23 license and the agency identification card to the department
24 before the expiration of 30 days after the date of the receipt of
25 the notification. A person who violates this subsection is
26 guilty of a misdemeanor, punishable by imprisonment for not more

1 than 10 days, or a fine of not more than \$1,000.00, or both.

2 Each day the violation continues constitutes a separate offense.

3 Sec. 17. (1) A licensee may employ as many persons as the
4 licensee considers necessary to assist in the business of provid-
5 ing security and in the conduct of business. During the employ-
6 ment, the licensee is accountable for the conduct of each person
7 employed.

8 (2) An employee of a licensee or proprietary security orga-
9 nization who is hired to provide security shall meet all of the
10 following qualifications:

11 (a) Be not less than 18 years of age.

12 (b) Have not less than an eighth grade education or its
13 equivalent.

14 (c) Have the ability to read and comprehend the English lan-
15 guage relative to the security assignments for which the person
16 is to be employed.

17 (d) Not be serving a sentence for the commission of a felony
18 during the 5 years immediately preceding the date of employment.

19 (e) Not have been convicted of a crime involving drunkenness
20 or controlled substance abuse during the 5 years immediately pre-
21 ceding the date of employment.

22 (f) Not have been discharged from United States military
23 service for a crime involving moral turpitude, larceny or theft,
24 the illegal use, possession, or sale of controlled substances, or
25 the illegal possession or carrying of a dangerous weapon during
26 the 5 years immediately preceding the date of employment.

1 (g) Not have been adjudged a person requiring treatment
2 unless restored to health as provided by law.

3 (h) Not have improperly used equipment or the position of a
4 police officer outside the scope of employment as a police
5 officer.

6 (3) A licensee shall keep information on its security
7 personnel. The records shall indicate for each employee the
8 dates of employment, the issue and expiration date of the
9 employee's identification card, and the weapon licenses held by
10 the employee. The records shall be made available to the depart-
11 ment upon demand.

12 (4) If a licensee knowingly makes a false statement or rep-
13 resentation to the department regarding the employment or nonem-
14 ployment of a person, the false statement or representation shall
15 be sufficient cause for the department to suspend or revoke the
16 license. A person falsely stating or representing that he or she
17 is a licensee, security officer, or is employed by a licensee is
18 guilty of a misdemeanor.

19 (5) Persons employed solely as clerical employees, within
20 the office of a security guard agency or proprietary security
21 organization, shall not be considered security personnel, except
22 that they shall meet the qualifications set forth in subsection
23 (2)(b) to (h).

24 (6) A law enforcement officer who is paid a compensation,
25 fee, or reward by a licensee for security shall be governed by
26 this act while employed by the licensee. The government or
27 political subdivision granting the law enforcement officer the

1 power of arrest shall be liable for an arrest made by the law
2 enforcement officer beyond the power of a private citizen.

3 (7) Before employment and the issuance of an employment
4 card, the employing licensee or parent company shall cause clas-
5 sifiable fingerprints of the individual to be taken. The finger-
6 prints shall be sent directly to the department and the depart-
7 ment shall then cause the fingerprints to be compared with fin-
8 gerprints of persons filed in the records of the department of
9 state police and, if any record is found regarding the finger-
10 prints, the department shall immediately notify the licensee or
11 parent company. The department shall also cause the fingerprints
12 to be checked against the fingerprints of persons filed in the
13 records of other official fingerprint files within or without
14 this state and, if any record is found regarding the finger-
15 prints, the department shall immediately notify the licensee or
16 parent company. The department shall release criminal histories
17 to the licensee or parent company if the person to be employed
18 signs a waiver attached to the fingerprint card which authorizes
19 the department to release any and all criminal history informa-
20 tion to the licensee or parent company.

21 Sec. 18. (1) An advertisement by a licensee soliciting or
22 advertising for business shall contain the licensee's business
23 name as the name appears in the records of the department.

24 (2) The word "officer" shall not be used in an advertisement
25 unless it is preceded by the word "security" or "guard".

26 (3) A licensee shall not use a designation, insignia, logo,
27 or trade name which has not first been approved by the

1 department, nor shall a licensee use a designation, insignia,
2 logo, or trade name which implies an association with this state,
3 another state, the federal government, or a political subdivision
4 of the state. A badge or insignia worn by a person regulated by
5 this act shall not deceive or confuse the public or be similar to
6 that of a law enforcement officer. Upon written order from the
7 department, a licensee shall discontinue advertising or the use
8 of an advertisement, seal, or card which the department deter-
9 mines may mislead the public. A deviation from the badge
10 requirement may be granted only upon written approval of the
11 department. Failure to comply with the order of the department
12 shall be grounds for suspension or revocation of a license.

13 (4) A person not licensed under this act, but who advertises
14 his or her business to be that of a security guard agency,
15 regardless of the name or title actually used, is guilty of a
16 misdemeanor, punishable by imprisonment for not more than 10
17 days, or a fine of not more than \$1,000.00, or both.

18 Sec. 19. (1) A person shall not manufacture or possess a
19 badge, identification card, or shield which purports to indicate
20 that the holder is a licensee or an employee of a security guard
21 agency unless the badge, identification card, or shield has been
22 approved by the department. A person shall not sell, display for
23 sale, or possess a badge, shield, identification card, or
24 license, by which the holder might mislead the public into think-
25 ing that the holder is a licensee, employee of a security guard
26 agency, public official, or law enforcement officer. A person
27 shall not distribute an identification card or license relative

1 to the business of providing security, except as provided by this
2 act. A person shall not knowingly sell, possess, buy, or receive
3 from any source a form of unauthorized identification or badge
4 inferring the holder is a licensee, employee of a security guard
5 agency, public official, or law enforcement officer.

6 (2) An unauthorized identification card or license shall be
7 confiscated by a law enforcement officer of this state and turned
8 over to the department.

9 (3) A person who violates this section is guilty of a
10 misdemeanor. Each day the violation continues constitutes a sep-
11 arate offense.

12 Sec. 20. (1) The security personnel of a licensee shall
13 wear a uniform. Minimum requirements for a uniform are a shirt,
14 blouse, blazer, jacket, or outer garment which identifies the
15 wearer as a security guard or security officer. A uniform shall
16 have the following patches sewn on the uniform:

17 (a) Shoulder patches which are red in color with the full
18 name of the security guard agency legibly lettered in white.
19 Patches may bear an agency design or insignia providing the
20 design or insignia does not resemble that of a law enforcement
21 agency or political subdivision of the state. The patches shall
22 be a half circle, 3 inches high and 5 inches wide. A patch shall
23 be displayed on each shoulder of the outermost garment worn.

24 (b) A right breast patch which is red in color with the word
25 "security" legibly lettered in white. The right breast patch
26 shall be at least 4 inches long and 1 inch high and displayed on
27 the outermost garment worn.

1 (2) An employee may wear an appropriate designation of rank,
2 such as sergeant, on either or both sleeves. The chevrons shall
3 be red in color with white piping. If the employee is of commis-
4 sioned officer rank, he or she may wear the appropriate emblem on
5 the collar or shoulders of the uniform shirt, jacket, or blouse.

6 (3) If a cap ornament is worn, it shall be approved by the
7 department.

8 (4) A badge or shield shall not be worn or carried by a
9 security officer or licensee unless approved by the department.
10 A badge or shield shall not be worn or displayed except in con-
11 junction with the holder's duties.

12 (5) A deviation from the uniform and patch requirements may
13 be granted only upon written approval of the department.

14 (6) The word "police" shall not appear on any uniform,
15 badge, patch, identification card, correspondence, advertisement,
16 insignia, or design used by persons regulated by this act.

17 (7) An employee of a security guard agency whose employment
18 has terminated and who fails, upon demand, to return the identi-
19 fication card, uniforms, and equipment issued by the person's
20 former employer, is guilty of a misdemeanor, punishable by
21 imprisonment for not more than 10 days, or a fine of not more
22 than \$100.00, or both.

23 Sec. 21. (1) The employees of a licensee or parent company
24 shall not be granted arrest powers beyond that of a private
25 citizen.

26 (2) A licensed security guard agency granted the power of
27 arrest by the department before the effective date of this act

1 may retain that power if it continues to comply with the training
2 requirements, operational procedures, and policy directives in
3 effect before the effective date of this act.

4 Sec. 22. (1) A person who is or has been an employee of a
5 licensee shall not, unless otherwise required by law, divulge to
6 anyone other than the employer or former employer, or as the
7 employer directs, information acquired by the person during his
8 or her employment and relating to the work to which he or she was
9 assigned by the employer. An employee who violates this section,
10 or an employee who willfully makes a false report to an employer
11 relative to his or her work, is guilty of a misdemeanor, punish-
12 able by imprisonment for not more than 10 days, or a fine of not
13 more than \$100.00, or both.

14 (2) A manager, executive, or employee of a licensee who
15 willfully sells, divulges, or otherwise discloses information to
16 persons other than persons intended by the licensee, except as
17 required by law, and which information was acquired during
18 employment by the licensee, is guilty of a misdemeanor, punish-
19 able by imprisonment for not more than 90 days, or a fine of not
20 more than \$1,000.00, or both.

21 Sec. 23. The department shall employ agents necessary to
22 carry out the requirements of this act and to enforce compliance
23 with this act. The department and each agent employed by the
24 department, in respect to violations of this act, have all the
25 powers of a peace officer.

26 Sec. 24. The prosecuting attorney of the county in which
27 there is a conviction for a violation of this act, before the

1 expiration of 10 days after the date of the conviction, shall
2 make and file with the department a report showing the date of
3 the conviction, the name of the person convicted, and the nature
4 of the charge.

5 Sec. 25. A licensee or a person applying for a security
6 guard agency license shall comply with all federal and state
7 employment laws relating to employees. Failure to comply with
8 this section shall result in the denial, suspension, or revoca-
9 tion of a license.

10 Sec. 26. (1) A security guard agency shall not perform the
11 services of a private detective or private investigator as
12 defined in the private detective license act of 1965, Act No. 285
13 of the Public Acts of 1965, being sections 338.821 to 338.851 of
14 the Michigan Compiled Laws, without obtaining a license under
15 that act.

16 (2) A private detective or private investigator shall not
17 engage in the business of providing security unless that detec-
18 tive or investigator has obtained a license under this act. A
19 person who is licensed as a private detective or private investi-
20 gator under Act No. 285 of the Public Acts of 1965 and who meets
21 the requirements of this act may procure a license for a fee of
22 \$200.00.

23 Sec. 27. This act shall not apply to any person employed by
24 a law enforcement agency of the United States government, this
25 state, or any county, city, township, or village of this state,
26 appointed or elected pursuant to law while engaged in the
27 performance of their official duties. However, a person employed

1 by a law enforcement agency of this state, the United States
2 government, or a county, city, township, village, college, uni-
3 versity, or school district of this state, offering his or her
4 services as a security watchman, security officer, or as security
5 personnel, at any time, shall be subject to this act.

6 Sec. 28. (1) Uniformed security personnel shall be desig-
7 nated as security watchmen or security officers.

8 (2) Except as otherwise specifically provided, a person
9 shall not act as a security watchman or a security officer until
10 that person has completed the minimum training program required
11 by this act or has passed the competency examination administered
12 by the department.

13 (3) The department shall develop an examination which tests
14 the person's competence to fulfill the duties of a security
15 watchman or security officer instead of the minimum training
16 standards prescribed. The department shall provide for the
17 administration of the competency test no less frequently than
18 once each month in each of its branch offices. The department
19 shall provide the licensee and the test candidate with test
20 results before the expiration of 5 business days after the date
21 of the administration of the test.

22 Sec. 29. (1) Except as provided in section 30(2), a person
23 shall not be employed as a security watchman unless that person
24 has completed a minimum training program of not less than
25 10 hours, as approved by the department, not more than 10% of
26 which shall be on the job training, and the remainder of which

1 shall be classroom training and has met the requirements of
2 section 30, except that:

3 (a) In the second full year after the effective date of this
4 act, the minimum training program shall be not less than
5 14 hours.

6 (b) In the third full year after the effective date of this
7 act, the minimum training program shall be not less than
8 16 hours.

9 (c) In the fourth full year after the effective date of this
10 act, the minimum training program shall be not less than
11 18 hours.

12 (d) In the fifth full year after the effective date of this
13 act, the minimum training program shall be not less than
14 20 hours.

15 (2) Except as provided in section 30(2), a person shall not
16 be employed as a security officer until that person has met the
17 requirements of section 30 and has completed a minimum training
18 program of not less than 40 hours, as approved by the department,
19 not more than 10% of which shall be on the job training, and the
20 remainder of which shall be classroom training, except that:

21 (a) In the second full year after the effective date of this
22 act, the minimum training program shall be not less than 50
23 hours.

24 (b) In the third full year after the effective date of this
25 act, the minimum training program shall be not less than 60
26 hours.

1 (c) In the fourth full year after the effective date of this
2 act, the minimum training program shall be not less than 70
3 hours.

4 (d) In the fifth full year after the effective date of this
5 act, the minimum training program shall be not less than 80
6 hours.

7 (3) The training required by this section for security
8 watchmen and security officers shall include training in the min-
9 imum uniform requirements of this act, limits of authority and
10 employment, weapons restrictions, which persons or authorities
11 are to be contacted in emergencies or unusual occurrences, agency
12 structure which affects the security watchman's or security
13 officer's duties, courtesy and demeanor, and other information
14 the employee requires in conjunction with special assignments.
15 The training required by this section for security officers shall
16 include additional classroom training devoted to firearm safety
17 rules, firearm maintenance, marksmanship fundamentals, the legal
18 aspects of the use of firearms including the consequences of
19 using fatal force, and the permissible transportation of a
20 firearm.

21 (4) The training required by this section for security offi-
22 cers shall also include on-range firing sufficient to demonstrate
23 to the satisfaction of the department that the security officer
24 is proficient in firearm use, handling, and marksmanship.

25 Sec. 30. (1) After the security watchman or security offi-
26 cer has completed the required training, the employing security
27 guard agency or parent company shall notify the department of the

1 completion of training. The notice shall be in the form of a
2 certificate of training as approved by the department and shall
3 be signed by the employing licensee or the individual responsible
4 for security within the parent company, or a designated training
5 officer, and the person seeking to be certified. Except as pro-
6 vided in subsection (2), the department shall issue a numbered
7 permanent security personnel identification card to the employee
8 if the employee complies with all of the following:

9 (a) The certificate of training is accompanied by
10 2 photographs of the person seeking the card taken within
11 6 months immediately preceding the date of notification, which
12 photographs shall not be less than 1-1/4 inches by 1-1/4 inches,
13 but not larger than 1-3/4 inches by 1-3/4 inches.

14 (b) The certificate of training is accompanied by a nonre-
15 fundable filing fee of \$10.00.

16 (c) In the case of a security officer, the certificate of
17 training is accompanied by certification from a training program
18 approved by the department of the security officer's proficiency
19 in use, handling, and marksmanship with firearms.

20 (2) If a person has been continuously employed as a security
21 watchman or security officer in this state for a period of 2
22 years immediately preceding the effective date of this act, the
23 department shall issue a numbered permanent security personnel
24 identification card to the person upon submission of a sworn
25 notarized affidavit of the period of service which affidavit
26 shall accompany an application for an identification card.

1 (3) The department shall revoke the identification card
2 issued pursuant to this section under 1 or more of the following
3 circumstances:

4 (a) The holder does not meet the requirements of section
5 17(2)(d) to (h).

6 (b) The holder, if a security officer, fails to submit to
7 the department annual certification from a training program
8 approved by the department of requalification in proficiency in
9 the use of firearms.

10 (c) The holder does not appear on the employment roster of a
11 licensee for a continuous period of more than 3 years.

12 (4) The licensee may issue a temporary identification card
13 to an employee who has completed the training prescribed by this
14 act pending the return of the permanent identification card to be
15 issued by the department if the temporary identification card is
16 in a form prescribed by the department. A temporary identifica-
17 tion card issued pursuant to this subsection shall be valid for
18 not more than 90 days after the date of issue and only while the
19 holder is employed by the issuing security guard agency or parent
20 company.

21 (5) A person convicted of intentional falsification of the
22 identification card or certificate of training required by this
23 section is guilty of a misdemeanor.

24 Sec. 31. (1) If an employer requires any security personnel
25 to possess, carry, or transport a firearm for the purpose of pro-
26 viding security, the employer shall either:

1 (a) Furnish the security personnel with a firearm which is
2 owned by and registered to the employer pursuant to Act No. 372
3 of the Public Acts of 1927, being sections 28.421 to 28.434 of
4 the Michigan Compiled Laws.

5 (b) Authorize the security personnel to carry a firearm
6 owned by and registered to the security personnel pursuant to Act
7 No. 372 of the Public Acts of 1927.

8 (2) While transporting a firearm for the purpose of provid-
9 ing security pursuant to this section, security personnel shall
10 be in uniform and shall follow a direct route to and from the
11 place where security is being provided.

12 (3) This section does not require any security personnel to
13 possess, carry, or transport a firearm during the course of their
14 employment. Security personnel may carry a nightstick con-
15 structed solely of wood or plastic.

16 (4) Security personnel may carry a nonlethal aerosol repel-
17 lent as described in sections 224 and 224d of the Michigan penal
18 code, Act No. 328 of the Public Acts of 1931, being sections
19 750.224 and 750.224d of the Michigan Compiled Laws.

20 Sec. 32. Except as otherwise provided in this act, this act
21 applies to all persons except persons who have already been
22 issued a private security guard agency license under former Act
23 No. 330 of the Public Acts of 1968. The requirements as to
24 renewal of licenses applies to all security guard agencies
25 licensed under this act or former Act No. 330 of the Public Acts
26 of 1968.

1 Sec. 33. Act No. 330 of the Public Acts of 1968, being
2 sections 338.1051 to 338.1085 of the Michigan Compiled Laws, is
3 repealed.

4 Sec. 37. This act shall not take effect unless Senate Bill
5 No. _____ or House Bill No. 4272 (request no. 01046'89) of the
6 85th Legislature is enacted into law.