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**SFA**



**BILL ANALYSIS**

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Senate Bill 1199 (as enrolled)  
Sponsor: Senator Ken DeBeaussiaert  
Senate Committee: Judiciary  
House Committee: Criminal Law and Corrections

**PUBLIC ACT 412 of 2000**

Date Completed: 3-12-01

**CONTENT**

The bill amended the Code of Criminal Procedure to include a violation of the Private Security Business and Security Alarm Act in the Code's sentencing guidelines. The bill categorizes the offense as a Class F felony against the public trust subject to a statutory maximum of four years. The bill was tie-barred to House Bill 4917 (Public Act 411 of 2000). Both bills will take effect on March 28, 2001.

House Bill 5917 makes a number of amendments to the Private Security Guard Act (and renames it the "Private Security Business and Security Alarm Act"). Among other things, the bill makes it a felony, punishable by imprisonment for up to four years, a maximum fine of \$1,000, or both, to do any of the following:

- Engage in the business of security alarm system contractor, private security guard, private security police, patrol service, or an agency furnishing those services without a license.
- Advertise a business to be that of security alarm system contractor, security alarm system agent, private security guard agency, or an agency furnishing those services without a license for each office.
- Sell, install, operate, adjust, arrange for, or contract to provide a device that upon activation initiates the automatic calling or dialing of a telephone assigned to a public service, utility, or police agency, for the purpose of delivering a recorded message, without permission from that service, utility, or agency.

Currently, the offense is a misdemeanor punishable by up to 90 days' imprisonment and/or a maximum fine of \$1,000.

MCL 777.13                      Legislative Analyst: S. Lowe

**FISCAL IMPACT**

The tie-barred bills establish a felony penalty for a violation of the Private Security Business and Security Alarm Act. There are no statewide data

available to indicate how many offenders are convicted each year of engaging in the business practices regulated under the Act without a license, advertising an unlicensed business regulated under the Act, or selling or providing a device that will automatically call a public service, utility, or police agency without permission. Therefore, the fiscal impact of changing the offense from a misdemeanor to a felony cannot be specifically determined. Assuming that two offenders a year will be convicted of the offense and serve a minimum sentence of 32 months, given that the average annual cost of incarceration in a State facility is \$22,000, costs for the State could increase by \$117,000.

Fiscal Analyst: K. Firestone

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