

# HOUSE BILL No. 6316

July 23, 2008, Introduced by Rep. Condino and referred to the Committee on Regulatory Reform.

A bill to amend 1968 PA 330, entitled "Private security business and security alarm act," by amending sections 2 and 18 (MCL 338.1052 and 338.1068), as amended by 2002 PA 473.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

2           (a) "Department" means the department of ~~consumer and industry~~  
3 ~~services except that in reference to the regulation of private~~  
4 ~~security police, department means the department of state police~~  
5 **LABOR AND ECONOMIC GROWTH.**

6           (b) "Licensee" means a sole proprietorship, firm, company,  
7 partnership, limited liability company, or corporation licensed  
8 under this act.

1 (c) "Private security guard" means an individual or an  
2 employee of an employer who offers, for hire, to provide protection  
3 of **PERSONS OR** property. ~~on the premises of another.~~

4 (d) "Private security police" means that part of a business  
5 organization or educational institution primarily responsible for  
6 the protection of property on the premises of the business  
7 organization.

8 (e) "Security alarm system" means a detection device or an  
9 assembly of equipment and devices arranged to signal the presence  
10 of a hazard requiring urgent attention or to which police are  
11 expected to respond. Security alarm system includes any system that  
12 can electronically cause an expected response by a law enforcement  
13 agency to a premises by means of the activation of an audible  
14 signal, visible signal, electronic notification, or video signal,  
15 or any combination of these signals, to a remote monitoring  
16 location on or off the premises. Security alarm system does not  
17 include a video signal that is not transmitted over a public  
18 communication system or a fire alarm system or an alarm system that  
19 monitors temperature, humidity, or other condition not directly  
20 related to the detection of an unauthorized intrusion into a  
21 premises or an attempted robbery at a premises.

22 (f) "Security alarm system agent" means a person employed by a  
23 security alarm system contractor whose duties include the altering,  
24 installing, maintaining, moving, repairing, replacing, selling,  
25 servicing, monitoring, responding to, or causing others to respond  
26 to a security alarm system.

27 (g) "Security alarm system contractor" means a sole

1 proprietorship, firm, company, partnership, limited liability  
2 company, or corporation engaged in the installation, maintenance,  
3 alteration, monitoring, or servicing of security alarm systems or  
4 who responds to a security alarm system. Security alarm system  
5 contractor does not include a business that only sells or  
6 manufactures security alarm systems unless the business services  
7 security alarm systems, installs security alarm systems, monitors  
8 or arranges for the monitoring of a security alarm system, or  
9 responds to security alarm systems at the protected premises.

10 (h) "Security business" means a person or business entity  
11 engaged in offering, arranging, or providing 1 or more of the  
12 following services:

13 (i) Security alarm system installation, service, maintenance,  
14 alteration, or monitoring.

15 (ii) Private security guard.

16 (iii) Private security police.

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

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

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

27 Sec. 18. (1) A licensee shall not knowingly employ any person

1 who fails to meet the requirements of section 17.

2 (2) The licensee shall cause fingerprints to be taken of all  
3 prospective employees who are direct providers of the security  
4 business **IN OR ON BUILDINGS OR LAND OWNED OR OCCUPIED BY THE STATE**  
5 **OF MICHIGAN, THE FEDERAL GOVERNMENT, OR A LOCAL UNIT OF GOVERNMENT,**  
6 which fingerprints shall be submitted to the department of state  
7 police and the federal bureau of investigation for a state and  
8 national criminal history background check. The fingerprints shall  
9 be accompanied by a fingerprint processing fee in the amount  
10 prescribed by section 3 of 1935 PA 120, MCL 28.273, as well as any  
11 fees imposed by the federal bureau of investigation. The results of  
12 the national criminal history background check as returned by the  
13 federal bureau of investigation to the department of state police  
14 shall be used by the department to make a fitness determination. A  
15 licensee shall not employ a person who is a direct provider of the  
16 security business before submitting fingerprints to the department  
17 of state police.

18 (3) The fingerprints required to be taken under subsection (2)  
19 may be taken by a law enforcement agency or any other person  
20 determined by the department of state police to be qualified to  
21 take fingerprints. If a licensee takes the fingerprints, that  
22 licensee shall obtain training in taking fingerprints from the  
23 department of state police or a law enforcement agency or other  
24 person determined qualified by the department of state police.

25 (4) A licensee shall request the department of state police to  
26 conduct a background check of each prospective employee who is a  
27 direct provider of the security business **IN OR ON BUILDINGS OR LAND**

1 OWNED OR OCCUPIED BY THE STATE OF MICHIGAN, THE FEDERAL GOVERNMENT,  
2 OR A LOCAL UNIT OF GOVERNMENT based upon a name check. The licensee  
3 shall obtain a complete and signed employment application for all  
4 individuals for whom a name check is requested and conducted. The  
5 employment application shall be retained for at least 1 year from  
6 the date of its submission. The department of state police shall  
7 conduct the background check upon a written, electronic, or  
8 telephonic request of a licensee accompanied by a fee of \$15.00.  
9 The background check shall be conducted not later than 3 days after  
10 the date a written request is made and not later than 24 hours  
11 after a telephonic or electronic request is made. Provisional  
12 clearance based on the name check shall allow the employee to be  
13 employed as a security guard, for a period of time not to exceed 90  
14 days, pending final clearance based upon a fingerprint check as  
15 provided for in subsection (2). If an approval is once denied, that  
16 individual may not again be employed as a direct provider of the  
17 security business **IN OR ON BUILDINGS OR LAND OWNED OR OCCUPIED BY**  
18 **THE STATE OF MICHIGAN, THE FEDERAL GOVERNMENT, OR A LOCAL UNIT OF**  
19 **GOVERNMENT** by the submitting licensee except upon receipt of an  
20 approved fingerprint clearance. A licensee or employee of a  
21 licensee who uses a name check or results of a name check for  
22 purposes other than prospective employment is guilty of a  
23 misdemeanor punishable by imprisonment for not more than 93 days, a  
24 fine of not more than \$1,000.00, or both.

25 (5) The department of state police may enter into an agreement  
26 with a licensee for the payment of fees imposed pursuant to this  
27 act.

1           (6) Any employee who, upon demand, fails to surrender to the  
2 licensee his or her identification card and any other property  
3 issued to him or her for use in connection with his or her  
4 employer's business is guilty of a misdemeanor.