

PRIVATE SECURITY BUSINESS AND SECURITY ALARM ACT (EXCERPT)
Act 330 of 1968

338.1051 Short title.

Sec. 1.

This act shall be known and may be cited as the "private security business and security alarm act".

History: 1968, Act 330, Imd. Eff. July 12, 1968 ;-- Am. 2000, Act 411, Eff. Mar. 28, 2001

Constitutionality: This act, which requires the licensing of guards, does not demonstrate the requisite degree of state action to bring the activities of guards under color of state law so as to subject their activities to constitutional restraint and to require guards to give suspects warnings of their constitutional rights before eliciting inculpatory statements, and especially does not subject the activities of private police who are employed to protect the property and employees of their employer to constitutional restraint because such guards need not be licensed under the act. *Grand Rapids v Impens*, 414 Mich 667; 327 NW2d 278 (1982). Participation by an off-duty deputy sheriff from another county, employed as a private guard, with other guards in the apprehension and detention of a shoplifting suspect did not provide a sufficient relationship so as to bring the activities of the guards under color of state law and require warnings of the suspect's constitutional rights before eliciting inculpatory statements by the suspect where the deputy did not obtain the statements and identified himself to the suspect only as a store employee. *Grand Rapids v Impens*, 414 Mich 667; 327 NW2d 278 (1982).