

Act No. 324
Public Acts of 2016
Approved by the Governor
November 22, 2016
Filed with the Secretary of State
November 22, 2016
EFFECTIVE DATE: November 22, 2016

STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016

Introduced by Reps. Heise, Santana, Faris, Kelly, Vaupel and Maturen

ENROLLED HOUSE BILL No. 4588

AN ACT to amend 1968 PA 330, entitled "An act to license and regulate private security guards, private security police, private security guard agencies, private college security forces, and security alarm systems servicing, installing, operating, and monitoring; to provide penalties for violations; to protect the general public against unauthorized, unlicensed and unethical operations by individuals engaged in private security activity or security alarm systems sales, installations, service, maintenance, and operations; to establish minimum qualifications for individuals as well as private agencies engaged in the security business and security alarm systems and operations; to impose certain fees; to create certain funds; and to prescribe certain powers and duties of certain private colleges and certain state departments, agencies, and officers," by amending sections 37 and 39 (MCL 338.1087 and 338.1089), as added by 2010 PA 68, and by adding section 37a.

The People of the State of Michigan enact:

Sec. 37. (1) This section and sections 38 to 42 apply only to private college security forces.

(2) Subject to subsection (10) and consistent with this act, a private college or university in this state that has students residing in college or university housing may, through action of its governing board, authorize a private college security force. The action of the governing board shall do all of the following:

- (a) Authorize a private college security force.
- (b) Authorize appointment of persons to be members of that private college security force.
- (c) Authorize the assignment of duties, including the enforcement of college or university regulations, and state and local law under section 37a.
- (d) Prescribe the oath of office.
- (e) Limit employment to those individuals who meet the requirements of subsections (4), (5), (6), and (7).

(3) A person appointed under subsection (2) shall be known and designated as a private college security officer and may act as a private college security officer upon being appointed by a private college or university licensed under this act.

(4) Except as provided in subsection (7), private college security officers must meet the selection qualifications prescribed in R 28.14203, R 28.14204, and R 28.14209 of the Michigan administrative code, and must meet the standards and requirements applicable to at least 1 category of recruits as set forth in R 28.14313 (military preservice recruits), R 28.14314 (basic recruits), R 28.14315 (preservice recruits and preservice college recruits), R 28.14316 (preservice college recruits), and R 28.14317 (agency basic recruits) of the Michigan administrative code, as promulgated by the commission.

(5) Private college security forces are subject to the provisions of R 28.14318, R 28.14319, and R 28.14320 of the Michigan administrative code, as promulgated by the commission.

(6) Except as provided in subsection (7), private college security officers may participate in the recognition of prior basic law enforcement training and experience program as prescribed in R 28.14401, R 28.14402, R 28.14403, R 28.14404, R 28.14405, R 28.14406, R 28.14407, R 28.14408, R 28.14409, R 28.14410, R 28.14413, and R 28.14414 of the Michigan administrative code, as promulgated by the commission.

(7) Subsections (4), (5), and (6) do not apply to an individual who meets all of the following requirements:

(a) He or she is employed as a security officer by a private college or university on July 12, 1968.

(b) He or she is certified as a law enforcement officer by the commission on July 12, 1968 or was previously certified as a law enforcement officer by the commission while employed by the private college or university as a law enforcement officer but that certification became void during that period of employment.

(c) The private college or university authorizes the creation of a private college security force under this act.

(8) Investigations conducted to determine if a candidate for appointment as a private college security officer meets the selection qualifications, standards, and requirements in subsection (4) are governed by R 28.14601, R 28.14602, R 28.14603, R 28.14604, R 28.14606, R 28.14608, and R 28.14609 of the Michigan administrative code, as promulgated by the commission. This section does not require the commission to conduct the investigation or review of an applicant for employment as a private college security officer.

(9) The governing board of a private college or university that creates a private college security force under this section may be subject to a fee payable to the commission under section 11 of the commission on law enforcement standards act, 1965 PA 203, MCL 28.610.

(10) The governing board of a private college or university that creates a private college security force under this section and that intends to appoint private college security officers who are sworn and fully empowered to exercise the authority and power of a peace officer under section 37a shall ensure that not less than 50% of those private college security officers have been employed as certified or licensed law enforcement officers under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, for not less than 5 years.

Sec. 37a. (1) A private college security officer appointed under section 37 may be sworn and fully empowered by the chief of police of a village, city, or township law enforcement agency, or deputized by a sheriff as a deputy sheriff, excluding deputation as a special deputy, as provided in section 9d of the commission on law enforcement standards act, 1965 PA 203, MCL 28.609d.

(2) A private college security officer sworn and fully empowered as provided in this section may exercise the authority and power of a peace officer as prescribed in an oath of office administered by a chief of police of a village, city, or township law enforcement agency, or county sheriff, as provided in section 9d of the commission on law enforcement standards act, 1965 PA 203, MCL 28.609d.

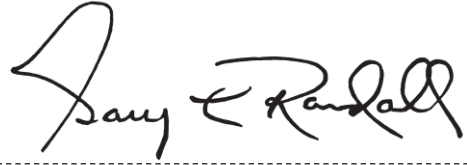
Sec. 39. (1) Unless sworn and fully empowered as provided in section 37a, upon being appointed under section 37 by a private college or university licensed under this act, private college security officers have the power to make arrests as provided in section 30.

(2) Unless sworn and fully empowered as provided in section 37a, upon being appointed under section 37 by a private college or university licensed under this act, private college security officers may exercise the powers conferred in this act only on property owned or leased by the private college or university, wherever situated.

(3) Unless sworn and fully empowered as provided in section 37a, private college security officers are not law enforcement officers as defined in the commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.616.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 92 of the 98th Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor

Compiler's note: Senate Bill No. 92, referred to in enacting section 1, was filed with the Secretary of State October 4, 2016, and became 2016 PA 289, Eff. Jan. 2, 2017.