

# HOUSE BILL No. 5884

September 15, 2016, Introduced by Reps. Darany, Kosowski, Santana and Yanez 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 section 17a (MCL 338.1067a), as added by 2012 PA 591, and by adding section 17b.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 17a. **(1)** If a private security guard, private security  
2 police officer, or private college security force officer acting in  
3 the course of his or her employment reasonably suspects that any of  
4 the following crimes have occurred, he or she shall immediately  
5 notify a law enforcement agency of that suspected crime:

6           (a) An assaultive crime, as defined in section 9a of chapter X  
7 of the code of criminal procedure, 1927 PA 175, MCL 770.9a.

8           (b) A violation of section 145c or 539j of the Michigan penal

1 code, 1931 PA 328, MCL 750.145c and 750.539j.

2 (2) A PRIVATE SECURITY GUARD WHO IS PROPERLY LICENSED UNDER  
3 THIS ACT HAS THE AUTHORITY TO ARREST A PERSON WITHOUT A WARRANT, AS  
4 SET FORTH FOR PUBLIC PEACE OFFICERS IN SECTION 15 OF CHAPTER IV OF  
5 THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 764.15, IF ALL OF  
6 THE FOLLOWING ARE MET:

7 (A) THE PRIVATE SECURITY GUARD IS ACTING WITHIN THE SCOPE OF  
8 HIS OR HER EMPLOYMENT AS A PRIVATE SECURITY GUARD, ON THE PREMISES  
9 OF A QUALIFIED MALL PROPERTY, AT THE TIME THE ARREST IS MADE.

10 (B) THE ARREST OCCURS DURING THE PRIVATE SECURITY GUARD'S  
11 HOURS OF EMPLOYMENT.

12 (C) THE ARREST OCCURS WITHIN THE BOUNDARIES OF THE QUALIFIED  
13 MALL PROPERTY.

14 (D) THE PRIVATE SECURITY GUARD IS IN A FULL UNIFORM THAT  
15 IDENTIFIES HIS OR HER EMPLOYER.

16 (3) AS USED IN THIS SECTION, "QUALIFIED MALL PROPERTY" MEANS  
17 A SHOPPING MALL, AND THE PROPERTY ON WHICH IT IS LOCATED, THAT  
18 MEETS ALL OF THE FOLLOWING:

19 (A) THE MALL HAS MORE THAN 10,000,000 VISITORS EACH YEAR.

20 (B) THE MALL HAS MORE THAN 1,000,000 SQUARE FEET OF INTERIOR  
21 SPACE.

22 (C) THE MALL IS LOCATED ON MORE THAN 100 ACRES OF PROPERTY.

23 (D) THE MALL IS REGULARLY SERVICED BY BUSES OPERATED BY A  
24 PUBLIC TRANSIT AGENCY.

25 (E) THE MALL HAS AT LEAST 1 HOLDING CELL FOR DETAINEES AND THE  
26 CELL IS MONITORED BY CLOSED-CIRCUIT TELEVISION.

27 (F) THE MALL HAS A VEHICLE AVAILABLE TO TRANSPORT DETAINEES TO

1 A LOCAL LAW ENFORCEMENT FACILITY AND THE VEHICLE HAS A SECURITY  
2 CAGE.

3 SEC. 17B. (1) BEGINNING 90 DAYS AFTER THE EFFECTIVE DATE OF  
4 THIS SECTION, A PERSON THAT IS LICENSED AS A PRIVATE SECURITY GUARD  
5 OR PRIVATE SECURITY GUARD AGENCY SHALL ENSURE THAT ALL OF THE  
6 FOLLOWING ARE MET:

7 (A) THAT THE LICENSEE, IF THE LICENSEE IS AN INDIVIDUAL, AND  
8 EACH EMPLOYEE OF THE LICENSEE WHO PROVIDES PROTECTION OF PROPERTY  
9 ON ANOTHER PERSON'S PREMISES COMPLETE TRAINING IN AT LEAST ALL OF  
10 THE FOLLOWING BEFORE THAT INDIVIDUAL PROVIDES PROTECTION OF  
11 PROPERTY ON ANOTHER PERSON'S PREMISES:

12 (i) FIRST AID, CARDIOPULMONARY RESUSCITATION, AND FOREIGN BODY  
13 OBSTRUCTION OF THE AIRWAY MANAGEMENT.

14 (ii) EMERGENCY PREPAREDNESS.

15 (iii) PROPER USE OF TASERS, PEPPER SPRAY, AND OTHER SELF-  
16 DEFENSE DEVICES AND AGENTS.

17 (iv) PROPER USE OF FIREARMS, IF THE EMPLOYEE IS AUTHORIZED TO  
18 CARRY A FIREARM IN THE COURSE OF HIS OR HER EMPLOYMENT.

19 (v) TECHNIQUES FOR NONVIOLENT INTERVENTION.

20 (vi) PATROL OPERATION.

21 (vii) LEGAL ASPECTS OF THE SECURITY GUARD BUSINESS AND THE USE  
22 OF FORCE, INCLUDING, BUT NOT LIMITED TO, CRIMINAL LAW AND  
23 PROCEDURE, CIVIL LAW, AND DIVERSITY.

24 (viii) CUSTOMER SERVICE ISSUES, INCLUDING, BUT NOT LIMITED TO,  
25 WORKING WITH AND ADDRESSING THE PUBLIC.

26 (B) THAT EACH INDIVIDUAL DESCRIBED IN SUBDIVISION (A)  
27 COMPLETES ADDITIONAL TRAINING IN AT LEAST THE TOPICS DESCRIBED IN

1 SUBDIVISION (A) (i) TO (viii) AT LEAST EVERY 2 YEARS AFTER HIS OR  
2 HER INITIAL TRAINING UNDER SUBDIVISION (A) .

3 (C) THAT BEFORE HE OR SHE PROVIDES PROTECTION OF PROPERTY ON  
4 ANOTHER PERSON'S PREMISES, AN INDIVIDUAL DESCRIBED IN SUBDIVISION  
5 (A) SUCCESSFULLY COMPLETES A COURSE APPROVED BY THE DEPARTMENT IN  
6 FIRST AID AND CARDIOPULMONARY RESUSCITATION, INCLUDING A TEST  
7 DEMONSTRATION ON A MANNEQUIN; SUCCESSFULLY COMPLETES INSTRUCTION  
8 APPROVED BY THE DEPARTMENT IN FOREIGN BODY AIRWAY OBSTRUCTION  
9 MANAGEMENT; AND HOLDS, AND MAINTAINS AT ALL TIMES HE OR SHE IS  
10 ENGAGED IN PROVIDING PROTECTION OF PROPERTY ON ANOTHER PERSON'S  
11 PREMISES FOR THE LICENSEE, VALID CERTIFICATION IN THE TOPICS  
12 DESCRIBED IN THIS SUBDIVISION THAT IS ISSUED BY THE AMERICAN RED  
13 CROSS, AMERICAN HEART ASSOCIATION, OR A COMPARABLE ORGANIZATION OR  
14 INSTITUTION APPROVED BY THE DEPARTMENT.

15 (2) FOR PURPOSES OF SUBSECTION (1) , THE DEPARTMENT BY RULE  
16 SHALL ESTABLISH TRAINING REQUIREMENTS FOR INDIVIDUALS LICENSED AS  
17 PRIVATE SECURITY GUARDS AND FOR EMPLOYEES OF PRIVATE SECURITY GUARD  
18 AGENCIES WHO ARE ENGAGED IN PROVIDING PROTECTION OF PROPERTY ON  
19 ANOTHER PERSON'S PREMISES. THE REQUIREMENTS SHALL INCLUDE TRAINING  
20 IN AT LEAST THOSE TOPICS DESCRIBED IN SUBSECTION (1) (A) (i) TO  
21 (viii) , AND SHALL INCLUDE ANY OTHER REQUIREMENTS THAT THE  
22 DEPARTMENT DETERMINES ARE APPROPRIATE FOR THE IMPLEMENTATION,  
23 ADMINISTRATION, AND ENFORCEMENT OF THE TRAINING REQUIREMENTS  
24 DESCRIBED IN SUBSECTION (1) .

25 Enacting section 1. This amendatory act takes effect 90 days  
26 after the date it is enacted into law.