

MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS ACT (EXCERPT)
Act 203 of 1965

***** 28.609d.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 28, 2019 *****

28.609d.amended Individuals employed as private college security officers; fingerprinting; licensing requirements and procedures; rules; licensure process; granting or denying license; duties of chief of police or county sheriff administering oath of office; duties of private college or university; report of certain information; lapsed or revoked license; prohibited authority.

Sec. 9d. (1) This section applies only to individuals who meet all of the following conditions:

(a) Are employed as private college security officers under section 37 of the private security business and security alarm act, 1968 PA 330, MCL 338.1087.

(b) Seek licensure under this act.

(c) Are sworn and fully empowered by a chief of police of a village, city, or township law enforcement agency, or are deputized by a county sheriff as a deputy sheriff, excluding deputation as a special deputy.

(2) The authority to enforce the laws of this state of private college security officers to whom this section applies is subject to the licensing requirements and procedures of this section and section 9e. An individual who seeks admission to a preservice college basic law enforcement training academy or a regional basic law enforcement training academy or the recognition of prior basic law enforcement training and experience program for purposes of licensure under this section shall submit to fingerprinting as provided in section 11(3).

(3) The commission shall promulgate rules governing licensing standards and procedures, pertaining to the following:

(a) Subject to section 9e, training requirements that may be met by completing either of the following:

(i) Preenrollment requirements, courses of study, attendance requirements, and instructional hours at an agency basic law enforcement training academy, a preservice college basic law enforcement training academy, or a regional basic law enforcement training academy.

(ii) The recognition of prior basic law enforcement training and experience program for granting a waiver from the licensing standard specified in subparagraph (i).

(b) Proficiency on a licensing examination administered after compliance with the licensing standard specified in subdivision (a).

(c) Physical ability.

(d) Psychological fitness.

(e) Education.

(f) Reading and writing proficiency.

(g) Minimum age.

(h) Whether or not a valid operator's or chauffeur's license is required for licensure.

(i) Character fitness, as determined by a background investigation supported by a written authorization and release executed by the individual for whom licensure is sought.

(j) Whether or not United States citizenship is required for licensure.

(k) Employment as a private college security officer as defined in section 37 of the private security business and security alarm act, 1968 PA 330, MCL 338.1087, who is sworn and fully empowered by the chief of police of a village, city, or township law enforcement agency, or deputized by a county sheriff as a deputy sheriff, excluding deputation as a special deputy.

(l) The form and manner for execution of a written oath of office by the chief of police of a village, city, or township law enforcement agency, or by a county sheriff, and the content of the written oath conferring the authority to enforce the general criminal laws of this state.

(m) The ability to be licensed and employed as a law enforcement officer under this section, without a restriction otherwise imposed by law.

(4) The licensure process under this section must follow the following procedures:

(a) Before executing the oath of office, the chief of police of a village, city, or township law enforcement agency or the county sheriff shall verify that the private college security officer to whom the oath is administered complies with the licensing standards.

(b) The chief of police of a village, city, or township law enforcement agency or the county sheriff shall execute an oath of office authorizing the private college security officer to enforce the general criminal laws of this state.

(c) Not more than 10 calendar days after executing the oath of office, the chief of police of a village, city,

or township law enforcement agency or the county sheriff shall attest in writing to the commission that the private college security officer to whom the oath was administered satisfies the licensing standards by submitting an executed affidavit and a copy of the executed oath of office.

(5) If upon reviewing the executed affidavit and oath of office the commission determines that the private college security officer complies with the licensing standards, the commission shall grant the private college security officer a license.

(6) If upon reviewing the executed affidavit and oath of office the commission determines that the private college security officer does not comply with the licensing standards, the commission may do any of the following:

(a) Supervise remediation of errors or omissions in the affidavit or oath of office.

(b) Supervise the remediation of errors or omissions in the screening, procedures, examinations, testing, and other means used to verify compliance with the licensing standards.

(c) Supervise additional screening, procedures, examinations, testing, and other means used to determine compliance with the licensing standards.

(d) Deny the issuance of a license and inform the chief of police of a village, city, or township law enforcement agency or the county sheriff of the denial.

(7) Upon being informed that the commission has denied issuance of a license, the chief of police of a village, city, or township law enforcement agency or the county sheriff shall promptly inform the private college security officer seeking licensure that he or she has been denied issuance of a license under this section.

(8) A private college security officer denied a license under this section may not exercise the law enforcement authority described in the oath of office. This subsection does not divest the private college security officer of that authority until the private college security officer has been informed that his or her licensure was denied.

(9) A chief of police of a village, city, or township law enforcement agency or a county sheriff who has administered an oath of office to a private college security officer under this section shall, with respect to that private college security officer, do all of the following:

(a) Report to the commission concerning all personnel transactions affecting employment status, in a manner prescribed in rules promulgated by the commission.

(b) Report to the commission concerning any action taken by the chief of police of a village, city, or township law enforcement agency or the county sheriff that removes the authority conferred by the oath of office or that restores the private college security officer's authority conferred by the oath of office, in a manner prescribed in rules promulgated by the commission.

(c) Maintain an employment history record.

(d) Collect, verify, and maintain documentation establishing that the private college security officer complies with the applicable licensing standards.

(10) If a private college or university appoints an individual as a private college security officer under section 37 of the private security business and security alarm act, 1968 PA 330, MCL 338.1087, and the private college security officer is licensed under this section, the private college or university, with respect to the private college security officer, shall do all of the following:

(a) Report to the commission all personnel transactions affecting employment status in a manner prescribed in rules promulgated by the commission.

(b) Report to the chief of police of a village, city, or township law enforcement agency or the county sheriff who administered the oath of office to that private college security officer all personnel transactions affecting employment status, in a manner prescribed in rules promulgated by the commission.

(11) A private college security officer licensed under this section shall report all of the following to the commission:

(a) Criminal charges for offenses for which the private college security officer's license may be revoked as described in this section upon being informed of such charges and in a manner prescribed in rules promulgated by the commission.

(b) The imposition of a personal protection order against the private college security officer after a judicial hearing under section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, or under the law of any other jurisdiction, upon being informed of the imposition of such an order, in a manner prescribed in rules promulgated by the commission.

(12) A license granted under this section is rendered lapsed, without barring further licensure under this act, if 1 or both of the following occur:

(a) The private college security officer is no longer employed as a private college security officer appointed under section 37 of the private security business and security alarm act, 1968 PA 330, MCL

338.1087, who is sworn and fully empowered by the chief of police of a village, city, or township law enforcement agency, or deputized by a county sheriff as a deputy sheriff, excluding deputation as a special deputy, rendering the license lapsed.

(b) The private college security officer is subjected to a removal of the authority conferred by the oath of office, rendering the license lapsed.

(13) The commission shall revoke a license granted under this section for any of the following and shall promulgate rules governing these revocations:

(a) The private college security officer obtained the license by making a materially false oral or written statement or committing fraud in the affidavit, disclosure, or application to a law enforcement training academy, the commission, or a law enforcement agency at any stage of recruitment, selection, appointment, enrollment, training, or licensure application.

(b) The private college security officer obtained the license because another person made a materially false oral or written statement or committed fraud in the affidavit, disclosure, or application to a law enforcement training academy, the commission, or a law enforcement agency at any stage of recruitment, selection, appointment, enrollment, training, or licensure application.

(c) The private college security officer has been subjected to an adjudication of guilt for a violation or attempted violation of a penal law of this state or another jurisdiction that is punishable by imprisonment for more than 1 year.

(d) The private college security officer has been subjected to an adjudication of guilt for a violation or attempted violation of 1 or more of the following penal laws of this state or another jurisdiction substantially corresponding to the penal laws of this state:

(i) Section 625(1) or (8) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, if the individual has a prior conviction, as that term is defined in section 625(25)(b) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, that occurred within 7 years of the adjudication as described in section 625(9)(b) of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

(ii) Section 7403(2)(c) or 7404(2)(a), (b), or (c) of the public health code, 1978 PA 368, MCL 333.7403 and 333.7404.

(iii) Section 81(4) or 81a or a misdemeanor violation of section 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, and 750.411h.

(14) The following procedures and requirements apply to license revocation under this section:

(a) The commission shall initiate license revocation proceedings, including, but not limited to, the issuance of an order for summary suspension and notice of intent to revoke a license upon obtaining notice of facts warranting license revocation.

(b) A hearing for license revocation must be conducted as a contested case under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(c) In lieu of participating in a contested case, a private security college officer may voluntarily and permanently relinquish his or her law enforcement officer license under this section by executing before a notary public an affidavit of license relinquishment as prescribed by the commission.

(d) The commission need not delay or abate license revocation proceedings based on an adjudication of guilt if an appeal is taken from the adjudication of guilt.

(e) If the commission issues a final decision or order to revoke a license, that decision or order is subject to judicial review as provided in the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described in this section is not a final decision or order for purposes of judicial review.

(15) A private college security officer licensed under this section shall not exercise the law enforcement authority described in the oath of office he or she executed if any of the following occur:

(a) The private college security officer's license is rendered void by a court order or other operation of law.

(b) The private college security officer's license is revoked.

(c) The private college security officer's license is rendered lapsed.

History: Add. 1998, Act 237, Imd. Eff. July 3, 1998;—Am. 2016, Act 289, Eff. Jan. 2, 2017;—Am. 2017, Act 198, Imd. Eff. Dec. 15, 2017;—Am. 2018, Act 552, Eff. Mar. 28, 2019.

Compiler's note: For transfer of statutory authority, powers, duties, functions, and responsibilities of the Michigan justice training commission, the Michigan justice training fund, the commission on law enforcement standards, and the law enforcement officers training fund to the new Michigan commission on law enforcement standards by type III transfer, see E.R.O. No. 2001-2, compiled at MCL 28.621 of the Michigan compiled laws.