



MICHIGAN STATE POLICE LEGAL UPDATE

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STATUTES

MCL 338.821 – 338.851 **Professional Investigator Licensure Act** Effective: May 28, 2008

Public Act 146 of 2008 amended the statutes governing the licensure of private investigators and detectives; now referred to as Professional Investigators (PI). While many sections of the Act were changed, only a handful impact law enforcement.

First, the Act now allows any police agency to investigate violations of the Act (e.g., working as a PI without a license, a 4-year felony). Police agencies must report their findings to both the Attorney General and their county prosecutor; either may seek criminal or civil sanctions under the Act.

Second, the activities governed by the Act include PI investigations for the purposes of obtaining information related to any of the following:

- Crimes or other wrongs
- A person's identity, habits, associations, occupation, integrity, etc.
- Fires, accidents, losses, or injuries
- Securing evidence to be used in court
- Detection and removal of eavesdropping devices
- Electronic tracking of a person or vehicle
- Computer forensics to be used in court

Third, the following are exempt from licensure requirements:

- In-house investigators of an employer
- Federal, state, and local officers in the performance of their duties
- Credit and collections businesses
- Charities
- Attorneys & Certified Public Accountants
- Insurance adjusters
- Professional engineers
- Bail agents

Lastly, beginning July 1, 2010, a police officer who engages in off-duty employment as a PI must provide the Department of Labor of Economic Growth one of the following to obtain or renew their PI license:

- Written permission from their chief
- A copy of their department's policies regarding off-duty employment
- A copy of their collective bargaining agreement

Editor's note: This summary is intentionally brief. Officers investigating a potential violation of the Act should carefully review the relevant statutes.

[Public Act 146 of 2008](#)

CRIMINAL LAW

A person may be convicted of interfering with a crime report even if the reported crime cannot be proven

In *People v. Holley*, the defendant was charged with felonious assault and preventing or attempting to prevent a crime report ([MCL 750.483a](#)) after pointing a knife at the victim, threatening her, and cutting the phone cord when she attempted to call police.

The trial court found the defendant not guilty of felonious assault, but guilty of interfering with a crime report. The Michigan Supreme Court upheld the conviction, holding that the prosecutor need not prove that the crime being reported was actually committed. Instead, the focus of the statute is whether the person making a report perceived a crime. Further, the Court held that the person preventing the report need not be the person accused of the crime being reported.

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This update is provided for informational purposes only. Officers should contact their local prosecutor for an interpretation before applying the information contained in this update.