



Ohio Association of Security & Investigation Services

Dedicated to Serving Ohio Security and Investigative Professionals

Major Theodore Owens, USA, Ret.
Executive Director for
OASIS – Ohio Association of Security & Investigation Services
Oral Testimony - before Ohio Senate Financial Institutions and Technology Committee
Senate Bill 100
June 06, 2023

Good morning, Chairman Wilson, Vice Chair Hackett, and Ranking Member Smith and members of the Ohio Senate Financial Institutions and Technology Committee. My Name is Theodore Owens I am the Executive Director of the Ohio Association of Security and Investigation Services (OASIS) I am a proudly decorated and retired US Army Officer from the Special Operations Community a combat veteran, a decorated and retired Columbus Police Officer | Detective. I've travelled around the globe as an International Security Contractor with service in the Middle East, and a Combat Skills Instructor at the Nigerian Command and General Staff College. I'm currently the agency owner of Ohio Special Services Group – a Class "A" licensed provider of private investigations and private security services agency here in the Columbus, Ohio area. I was also appointed by Governor Kasich to the Ohio Private Investigations and Security Services Commission (OPISSC) from June 2014 to February 2018.

I am here to testify as an **"Interested Party"** on Senate Bill 100. Our association would like to take a moment to thank Senator Antonio and Senator Manning for their proactive leadership in cosponsoring this much needed Bill and their willingness to meet and work with our association to better understand the needs of private investigators and private security with regards to this Bill. In the draft amendment that we were provided a copy of it allows for use by A, B, and C registrants of ORC 4749 while conducting criminal investigations we are pleased that is in there. However, we feel that it does not go far enough to assist us in working with victims in Civil and Administrative proceedings much like the Michigan legislation that was signed into Law in 2010. The wording of the Michigan law was added as an amendment to Ohio House Bill 91 which is the companion Bill to Senate Bill 100. We work with landlords in eviction cases. We work with employers who pay their sales people a fuel stipend and the employee has falsely reported mileage and or business travel. These are just a couple of instances that we assist with that law enforcement does not investigate. That is why we would prefer to see similar language in the Ohio legislation that mirrors the language found in the Michigan law. For ease of reference, I've attached that law onto my testimony at the end.

As you are aware, private investigators and private security does not have some of the same privileges that law enforcement does. We don't have "qualified immunity". It is my purpose here today to hopefully have some protections placed into this legislation so that my constituents do not fall victim to overzealous law enforcement officers and prosecutors because it has happened before. We've discussed with senator Manning a provision found in the Utah legislation that gives the ability of private investigators and private security to approach law enforcement and request that a



LEADS/NCIC check be done. However, it was decided that we didn't want to overburden law enforcement agencies. Another way that this can be accomplished is by removing the burden from us and placing it on any potential client who comes to us with a false story and they know they are the subject of a TPO or CPO. This can be done by adding in some sort of culpability (knowingly, willingly, negligently, recklessly) on the case requestors behalf.

Lastly, we'd like to see some sort of penalty enhancement for subsequent convictions of the statute. Currently, it states it is a misdemeanor of the first degree. My constituents and I would like to request that there be the proverbial "three (3) strikes and you're out" rule. After the first two convictions of the misdemeanor the third and subsequent conviction(s) should be a felony of the fifth degree.

This concludes my testimony. I stand ready to answer any questions or concerns you may over my testimony regarding Senate Bill 100. If there are no questions at this time, I can be reached at email: executive.director@ohoasis.com or office phone: 888-547-0084, ext 700 for any follow-ups you may have.

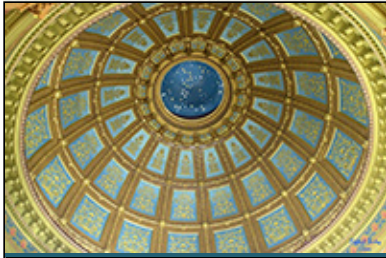
Respectfully Submitted,

Theodore S. Owens

Major Theodore S. Owens USA, Ret.

Executive Director

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Michigan Compiled Laws Complete Through PA 188 of 2022
House: Adjourned until Wednesday, September 7, 2022 1:30:00 PM
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THE MICHIGAN PENAL CODE (EXCERPT) Act 328 of 1931

750.539I Tracking device; placement or installment on motor vehicle without consent; violation as misdemeanor; penalty; exemptions; inapplicability of subsection (2)(j); liability for damages; definitions.

Sec. 539I.

(1) A person who does any of the following is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both:

(a) Installs or places a tracking device, or causes a tracking device to be installed or placed, in or on a motor vehicle without the knowledge and consent of the owner of that motor vehicle or, if the motor vehicle is leased, the lessee of that motor vehicle.

(b) Tracks the location of a motor vehicle with a tracking device without the knowledge and consent of either the owner or the authorized operator of that motor vehicle or, if the motor vehicle is leased, either the lessee or the authorized operator of that motor vehicle.

(c) While being the restrained party under a protective order, tracks the location of a motor vehicle operated or occupied by an individual protected under that order with a tracking device.

(d) While on probation or parole for an assaultive crime or a violation of section 81(3) or (4) or section 81a(2) or (3), tracks the location of a motor vehicle operated or occupied by a victim of that crime or by a family member of the victim of that crime without the knowledge and consent of that victim or family member.

(2) Subsection (1) does not apply to any of the following:

(a) The installation or use of any device that provides vehicle tracking for purposes of providing mechanical, operational, directional, navigation, weather, or traffic information to the operator of the vehicle.

(b) The installation or use of any device for providing emergency assistance to the operator or passengers of the vehicle under the terms and conditions of a subscription service, including any trial period of that subscription service.

(c) The installation or use of any device for providing missing vehicle assistance for the benefit of the owner or operator of the vehicle.

(d) The installation or use of any device to provide diagnostic services regarding the mechanical operation of a vehicle under the terms and conditions of a subscription service, including any trial period of the subscription service.

(e) The installation or use of any device or service that provides the lessee of the vehicle with clear notice that the vehicle may be tracked. For a lessor who installs a tracking device subsequent to the original vehicle manufacture, the notice shall be provided in writing with an acknowledgment signed by the

lessee, regardless of whether the tracking device is original equipment, a retrofit, or an aftermarket product. The requirement for written acknowledgment placed upon the lessor is not imposed upon the manufacturer of the tracking device or the manufacturer of the vehicle.

(f) The installation or use of any tracking device by the parent or guardian of a minor on any vehicle owned or leased by that parent or guardian or the minor, and operated by the minor.

(g) The installation or use of a tracking device by a police officer while lawfully performing his or her duties as a police officer.

(h) The installation or use of a tracking device by a court officer appointed under section 8321 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8321, while lawfully performing his or her duties as a court officer.

(i) The installation or use of a tracking device by a person lawfully performing his or her duties as a bail agent as authorized under section 167b or as an employee or contractor of that bail agent lawfully performing his or her duties as an employee or contractor of a bail agent.

(j) Except as provided in subsection (3), the installation or use of a tracking device by a professional investigator or an employee of a professional investigator lawfully performing his or her duties as a professional investigator or employee of a professional investigator for the purpose of obtaining information with reference to any of the following:

(i) Securing evidence to be used before a court, board, officer, or investigating committee.

(ii) Crimes or wrongs done, threatened, or suspected against the United States or a state or territory of the United States or any other person or legal entity.

(iii) Locating an individual known to be a fugitive from justice.

(iv) Locating lost or stolen property or other assets that have been awarded by the court.

(3) The exemption under subsection (2)(j) does not apply if either of the following applies:

(a) The professional investigator or the employee of the professional investigator is working on behalf of a client who is the restrained party under a protective order.

(b) The professional investigator or the employee of the professional investigator knows or has reason to know that the person seeking his or her investigative services, including the installation or use of a tracking device, is doing so to aid in the commission of a crime or wrong.

(4) A person who illegally installs or uses a tracking device or a person described in subsection (2)(i) or (j) who installs or uses a tracking device is liable for all damages incurred by the owner or lessee of the motor vehicle caused by the installation or use of the tracking device.

(5) As used in this section:

(a) "Assaultive crime" means that term as defined in section 9a of chapter X of the code of criminal procedure, 1927 PA 175, MCL 770.9a.

(b) "Minor" means an individual less than 18 years of age.

(c) "Motor vehicle" means that term as defined in section 412.

(d) "Professional investigator" means a person licensed under the professional investigator licensure act, 1965 PA 285, MCL 338.821 to 338.851.

(e) "Protective order" means both of the following:

(i) An order entered under section 2950, 2950a, or 2950h of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950, 600.2950a, and 600.2950h, or under section 6b of chapter V or section 3(2)(o) of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 765.6b and 771.3, or under section 13a of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.13a, or under section 36(16) of the corrections code of 1953, 1953 PA 232, MCL 791.236.

(ii) A foreign protection order as defined in section 2950h of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950h.

(f) "Tracking device" means any electronic device that is designed or intended to be used to track the location of a motor vehicle regardless of

whether that information is recorded.

History: Add. 2010, Act 107, Eff. Aug. 1, 2010

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