

# TITLE 24

## CHAPTER 13. PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES

### FIREARMS GUARD/ARMORED CAR GUARD

#### § 1302 Definitions.

- (4) "Commissioned security officer" means any security officer to whom a security officer commission has been issued by the Board.
- (6) "Deadly weapon" has the meaning given in the definition of "deadly weapon" in § 222 of Title 11.
- (9) "Firearm" has the meaning given in § 222 of Title 11.
- (20) "Security officer commission" means an authorization granted by the Board to an individual employed as a security officer to carry a firearm.

#### § 1314 Security guard license requirements.

Anyone who wishes to be licensed, under this chapter, as a noncommissioned security guard, must meet and maintain the following requirements:

- (1) Must be at least 18 years of age;
- (2) Must not have been convicted of any felony;
- (3) Must not have been convicted of any misdemeanor involving moral turpitude;
- (4) Must not have been convicted of any felony or misdemeanor involving the act of theft;
- (5) Must not have been convicted of any felony or misdemeanor involving drug offenses;
- (6) If served in the armed forces, must not have been discharged other than honorable conditions;
- (7) Must not be a member or employee of any law-enforcement organization, as defined by the Council of Police Training;
- (8) Must meet and maintain the qualifications set and approved by the Board of Examiners.

#### § 1315 Commissioned security guard license requirements.

Anyone who wishes to be licensed as an armed security guard, under this chapter, must meet the same qualifications as a security guard with the following exceptions:

- (1) Must be at least 21 years of age;
- (2) Must meet and maintain the qualifications set and approved by the Board of Examiners.

#### § 1317 Armored car guard license requirements.

Must meet same qualifications as a commissioned security guard.

## § 1321 Firearms.

(a) It shall be unlawful for anyone licensed, under this chapter, to carry a concealed deadly weapon as defined in § 1442 of Title 11, unless they have been issued a concealed deadly weapons permit.

(b) It shall be unlawful for anyone licensed, under this chapter, to carry any type of weapon unless the Board has approved the use of such weapon and, if approved, the person has been trained in the use of such weapon, by a board-approved instructor.

(c) It shall be unlawful for an individual, employed as a security guard, to carry a firearm during the course of performing their duties as a security guard, if they have not been issued a commissioned security guard license.

(d) It shall be unlawful for any person to hire or employ an individual or for any individual to accept employment, in the capacity of a security guard, to carry a firearm in the course and scope of employment duties unless the security guard has been issued a commissioned security guard license.

(e) It shall be unlawful for a commissioned security guard to carry a firearm unless:

(1) The security guard is engaged in the performance of duties as a security officer or is engaged in traveling directly to or from a place of assignment;

(2) The security guard is wearing a distinctive uniform indicating that the person is a security guard;

(3) Such uniform has a distinctive patch that indicates the company by whom the person is employed;

(4) The firearm is in plain view; and

(5) The firearm is the type of weapon that the commissioned security guard qualified with pursuant to this chapter.

## § 1337 Carrying of concealed weapons by licensees.

No person licensed as a private detective or in the employ of any detective or agency shall carry a concealed deadly weapon unless the person is so licensed in accordance with the laws of this State.

# RULES & REGULATIONS

## 1.0 Firearm's Policy

1.1 Rule 1.0 shall apply only to individuals licensed under 24 **Del.C.** Ch. 13, while such individuals are acting in the performance of their duties as an armed security guard or armored car guard.

1.2 No individual licensed under 24 **Del.C.** Ch. 13 shall carry a firearm unless that individual has first passed an approved firearms course of instruction and an initial qualification administered by an approved certified firearms instructor. The course of instruction shall include a minimum 40 hours of training. The Professional Licensing Section may waive the 40 hour training requirement depending upon the applicant's professional credentials, training and/or work experience (i.e. prior law enforcement). The initial qualification course may be used to fulfill one day and one low light

requirement during the first year; however an additional day shoot must be completed at least 90 days after the date of initial certification, within the calendar year.

1.3 In order to carry a firearm, individuals licensed to carry a firearm under 24 **Del.C.** Ch. 13 must shoot a minimum of three qualifying shoots per calendar year, scheduled on at least two separate days, with a minimum 90 days between scheduled shoots. Of these three, there will be one mandatory “low light” shoot and may be combined with a day shoot. Two day shoots shall not be completed on the same date.

1.3.1 An individual not meeting the minimum qualifications set forth in Rule 1.3 may have their firearms license suspended until such time that they meet the minimum three qualifying shoots within the calendar year.

1.4 Only the handguns with the following calibers are permitted:

1.4.1 9mm;

1.4.2 .357;

1.4.3 .38;

1.4.4 .40;

1.4.5 .45; or

1.4.6 .357 SIG.

1.5 All weapons must be either a revolver or semi-automatic and must be double-action or double-action only and must be maintained to factory specifications.

1.6 Under no circumstances will anyone under this Rule be allowed to carry any type of shotgun or rifle or any type of weapon that is not described herein.

1.7 All individuals must meet the minimum qualifications set forth in 1.3 with the same make/model/caliber of weapon that he/she will carry.

1.8 All ammunition must be factory fresh (no re-loads).

1.9 The minimum passing score is 80%.

1.10 All licenses are valid for a period of five years, armored car licenses are valid for a period of two years, subject to proof of compliance of Rule 1.0 by submission of shoot certification or re-certification forms to the Professional Licensing Section, by January 15<sup>th</sup> of each year for the previous calendar year.

**Adopted 11/04/1994**

**3 DE Reg. 960 (1/1/00)**

**7 DE Reg. 1375 (3/1/04)**

**13 DE Reg. 502 (10/01/09)**

**14 DE Reg. 1395 (06/01/11)**

**15 DE Reg. 875 (12/01/11)**

**15 DE Reg. 1617 (05/01/12)**

**18 DE Reg. 154 (08/01/14)**

**19 DE Reg. 202 (09/01/15)**