

DELAWARE CODE TITLE 24

Professions and Occupations

CHAPTER 13. PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES

§ 1309. Revocation, suspension, etc.

The Board shall have the power to suspend, revoke or place on probation any person or business required to be licensed under this chapter that violates any provisions of this chapter and/or who violates any rules and/or regulations promulgated by the Board.

[69 Del. Laws, c. 285, § 3.](#);

§ 1310. Emergency suspension.

(a) The Director shall be granted the power to impose an emergency suspension or cease and desist order on any person or business licensed under this chapter or should be licensed under this chapter if, in the opinion of the Director, that failure to take such action could jeopardize the public's safety and welfare.

(b) Any person or business whose license is suspended by the Director, under subsection (a) of this section shall be granted a full hearing, by the Board, within 10 days from the date that the request for a hearing is received by the Director, provided that the violating party request such a hearing, in writing, to the Director within 5 days of the suspension. With the consent of the person or business requesting a hearing, the hearing may be scheduled at the next quarterly meeting of the Board.

[69 Del. Laws, c. 285, § 3](#); [76 Del. Laws, c. 245, §§ 4, 5](#); [76 Del. Laws, c. 246, §§ 1, 2.](#);

§ 1311. Board powers.

(a) The Board may suspend, revoke, place on probation, fine any applicant, registrant or licensee who has committed any act which could result in a felony conviction, or has committed any act that could result in a misdemeanor conviction which involves moral turpitude or a drug offense; or has practiced fraud, deceit or misrepresentation; or has consumed or has been impaired by alcohol or any controlled substance while on duty working in a capacity regulated by this chapter; or has made a material misstatement in any application or renewal for a license.

(b) Anyone whose license has been suspended, revoked or denied under this act is entitled to a hearing before the Board.

(c) Any person whose license has been refused, suspended, revoked, or has been imposed a civil penalty is entitled to a hearing before the Board.

(d) The Board shall have the power to impose a civil penalty upon any person or business required to be licensed under this chapter up to \$200, per day, for each violation.

(e) The Board may conduct a criminal history background check pursuant to the procedures set forth in Chapter 85 of Title 11 for the purposes of licensing any individual pursuant to this chapter.

§ 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.

[69 Del. Laws, c. 285, § 3](#); [71 Del. Laws, c. 186, § 1](#);

§ 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.

[69 Del. Laws, c. 285, § 3](#);

§ 1316. Private investigator license requirements.

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

(1) Be at least 21 years of age;

(2) Not have been convicted of any felony;

(3) Not have been convicted of any misdemeanor involving moral turpitude or theft or any misdemeanor that, in the discretion of the Board, bears such a relationship to the performance of security services as to constitute a disqualification for a private security guard and/or private investigator to be issued a license;

(4) Not have been convicted of any drug offense;

(5) Meet and maintain the qualifications set and approved by the Board of Examiners.

[69 Del. Laws, c. 285, § 3.](#);

§ 1317. Armored car guard license requirements.

Must meet same qualifications as a commissioned security guard.

[69 Del. Laws, c. 285, § 3.](#);

§ 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.

[69 Del. Laws, c. 285, § 3](#); [70 Del. Laws, c. 186, § 1](#);

§ 1322. Change of address.

Notification shall be made to the Board of Examiners within 14 days after the change of address of any individual licensed under this chapter.

[69 Del. Laws, c. 285, § 3](#);

§ 1324. Identification card.

Anyone required to be licensed under this chapter shall be issued, by the Board of Examiners, an identification card which shall expire and be renewable on the fifth anniversary date of the birth of the applicant next following the date of its issuance, unless the birth date is February 29, in which event the license shall expire and be renewable on February 28 every fifth year.

[69 Del. Laws, c. 285, § 4](#); [73 Del. Laws, c. 369, § 1](#);

§ 1325. Possession of identification card.

Any person who has been issued an identification card by the Board of Examiners shall be required to have such card in their possession while in the performance of the person's duties.

[69 Del. Laws, c. 285, § 4](#); [70 Del. Laws, c. 186, § 1](#);

§ 1326. Notification of arrest.

Anyone licensed under this chapter shall, excluding weekends and state holidays, notify the Board of Examiners within 24 hours of any arrest which could result in a misdemeanor or felony conviction. Failure to do so may result in the suspension or revocation of a license.

[69 Del. Laws, c. 285, § 4](#);

§ 1329. License requirements and submission of fingerprints.

No person shall engage in the business of a private investigator, investigations company, security service contractor, security guard, guard company, armored car company, courier company or armored car guard without first obtaining a license from the Professional Licensing Section, Division of State Police.

No person will be issued a license unless that person submits, to the State Bureau of Identification, their name, Social Security number, age, race, sex, date of birth, height, weight, hair and eye color, address of legal residence and the provision of such other information as may be necessary to obtain a report of the person's entire criminal history record from the State Bureau of Identification and a report of the person's entire federal criminal history pursuant to the Federal Bureau of Investigation appropriation of Title II of Public Law 92-544.

[69 Del. Laws, c. 285, § 4](#); [77 Del. Laws, c. 457, § 3](#);

§ 1331. Surrender of expired, revoked or suspended licenses; penalty.

Any person to whom a license may be issued in accordance with this chapter shall surrender such license and all duplicate copies thereof which have expired or have been revoked, suspended or surrendered.

24 Del. C. 1953, § 1310; [50 Del. Laws, c. 301, § 1](#); [69 Del. Laws, c. 285, § 5](#);

§ 1332. Loss or destruction of license.

If any license or certified copy thereof issued by the Superintendent is lost or destroyed, notice of such loss or destruction shall be given to the Superintendent forthwith, and the Superintendent may, at the Superintendent's discretion, issue a duplicate or certified copy thereof.

24 Del. C. 1953, § 1311; [50 Del. Laws, c. 301, § 1](#); [69 Del. Laws, c. 285, § 5](#); [70 Del. Laws, c. 186, § 1](#);

§ 1333. Identification card; wearing of badges or shields; offenses; surrender of card; penalty.

(a) For the purpose of identification of persons engaged in the conduct of a private detective business as private detective or private investigator, each such person shall carry and show when requested an identification card, which shall be issued by the Superintendent at the time of initial issuance of license. For the purpose of identification of employees of a private detective business, upon examination of employee's statement and fingerprint cards, the Superintendent shall furnish an employee's identification card.

(b) No person licensed under this chapter or the officers, directors, employees, operators or agents thereof shall wear, carry or accept any badge or shield purporting to indicate that such person is a private detective or investigator or connected with a private detective business, but

any such person, officer, director, employee, operator or agent who is acting as a guard or performs any such service may, while in uniform and while on the premises of the employer of the licensee where the guard is so acting, wear a badge or shield inscribed with the license holder's name and the word "guard" or "special guard."

(c) No person licensed under this chapter shall issue identification cards to any person other than a bona fide employee or shall sell, issue, rent, loan or distribute badges or membership cards indicating that the holder thereof is a private detective or investigator or is engaged in the private detective business to any person or persons other than those lawfully entitled to such identification cards.

(d) Any person to whom an identification card has been issued in accordance with this chapter, shall surrender the identification card to the Board:

(1) Upon termination of employment; or

(2) Upon suspension or revocation by the Board.

(e) Whoever violates this section shall be fined not more than \$50.

24 Del. C. 1953, § 1314; [50 Del. Laws, c. 301, § 1](#); [63 Del. Laws, c. 47, §§ 10, 11](#); [65 Del. Laws, c. 376, § 4](#); [69 Del. Laws, c. 285, § 6](#); [70 Del. Laws, c. 186, § 1](#);

§ 1334. Disclosure of information by employees prohibited; false report or statement to employer; penalty.

(a) Any person who may be or has been employed by the holder of a license under this chapter shall not divulge to anyone other than the employer, or in such manner and to such person as the employer directs, any information acquired by the employee during such employment in respect to any work to which the employee shall have been assigned by such employer, except as such disclosure may be required by this chapter or in connection with any investigation of a licensee by the Superintendent or as may be required by constituted authority or under process of law.

(b) No person shall violate this section, and no person, being an employee of a licensed private detective business, shall willfully make a false report or statement to the employer in respect to any matter or thing connected with the employment.

24 Del. C. 1953, § 1315; [50 Del. Laws, c. 301, § 1](#); [69 Del. Laws, c. 285, § 6](#); [70 Del. Laws, c. 186, § 1](#);

§ 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.

24 Del. C. 1953, § 1318; [50 Del. Laws, c. 301, § 1](#); [69 Del. Laws, c. 285, § 7](#); [70 Del. Laws, c. 186, § 1](#);

§ 1339. Violation of chapter as ground for revocation of license.

A violation of this chapter shall be cause for revocation of any license issued thereunder, notwithstanding that the same violation may constitute a misdemeanor or felony.

24 Del. C. 1953, § 1320; [50 Del. Laws, c. 301, § 1](#); [69 Del. Laws, c. 285, § 7](#);

**BOARD OF EXAMINERS
OF
PRIVATE INVESTIGATORS
AND PRIVATE SECURITY AGENCIES
PROMULGATED
RULES & REGULATIONS**

- 1.0 FIREARM'S POLICY
- 2.0 USE OF RIFLE AND SHOTGUN
- 3.0 NIGHTSTICK, PR24, MACE, PEPPERGAS AND HANDCUFFS
- 4.0 TRAINING REQUIREMENTS
- 5.0 USE OF ANIMALS
- 6.0 CRIMINAL OFFENSES
- 7.0 EMPLOYMENT NOTIFICATION
- 8.0 PRIVATE INVESTIGATORS
- 9.0 SECURITY GUARDS/ARMORED CAR GUARDS

1.0 FIREARM'S POLICY

- 1.1 No person licensed under 24 **Del. C.** Ch. 13 §1315 & §1317 shall carry a firearm unless that person has first passed an approved firearms course of instruction and an initial qualification administered by a Board 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).
- 1.2 Individuals licensed to carry a firearm must shoot a minimum of three (3) qualifying shoots per calendar year, scheduled on at least two (2) separate days, with a minimum 90 days between scheduled shoots. Of these three (3), there will be one (1) mandatory "low light" shoot. Simulation is permitted and it may be combined with a daylight shoot. The initial qualification shoot may be used to fulfill one day and one low light requirement during the first year.
 - 1.2.1 An individual not meeting the minimum qualifications set forth in 1.2. may have their firearms license suspended until such time that they meet the minimum three (3) qualifying shoots within the calendar year.
- 1.3 Firearms - approved type of weapons

- 1.3.1 9mm
- 1.3.2 .357
- 1.3.3 .38
- 1.3.4 .40
- 1.3.5 .45
- 1.4 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.
- 1.5 Under no circumstances will anyone be allowed to carry any type of shotgun or rifle or any type of weapon that is not described herein.
- 1.6 All individuals must qualify with the same make/model/caliber of weapon that he/she will carry.
- 1.7 All ammunition will be factory fresh (no re-loads).
- 1.8 The minimum passing score is 80%.
- 1.9 All licenses are valid for a period of five (5) years, subject to proof of compliance of Rule 1.0 by submission of shoot certification or re-certification forms by January 31st of each year for the previous calendar year.
- 1.10 Firearms Instructors
 - 1.10.1 Firearms instructors must be certified by the National Rifle Association, a law enforcement training and standards commission (i.e. C.O.P.T.), and/or another professional firearms training institution as a “certified firearms instructor”.
 - 1.10.2 Firearms instructors are restricted to teaching and qualifying individuals according to the type of firearm matching their certification. (For example, a certified shotgun instructor may only instruct and qualify individuals with the shotgun.)
 - 1.10.3 All firearms instructors must be approved by the Board before they are authorized to instruct or qualify individuals licensed under 24 **Del. C. Ch. 13**.

Adopted 11/04/94

3 DE Reg. 960 (01/01/00)

7 DE Reg. (03/01/04)

13 DE Reg. 502 (10/11/09)

Amended 06/11/11

Amended 12/01/11

Amended 05/01/12

2.0 USE OF RIFLE AND SHOTGUN

- 2.1 Whereas there exists a need for private security officers in the State of Delaware to be equipped to handle situations where the risk of terrorist activity is high, or at special events where there is a high risk of violent activity or attack, the following rules are established to regulate the use of rifles and shotguns by security services contractors in the State.

- 2.2 The Governor of the State of Delaware, or designee, or the Superintendent of State Police, or designee, may authorize specified security services contractors to deploy guards with rifles and/or shotguns, as appropriate to the defense of critical infrastructure facilities, or private business facilities and operations reasonably believed to be at risk of violent activity or attack likely to result in injury or significant damage to or loss of property. The situations where such protection would be required would include, but not be limited to:
- 2.2.1 An increase in the threat level from the Department of Homeland Security to “Imminent Threat Alert”, or higher;
 - 2.2.2 Special circumstances where additional protection would be deemed appropriate, including but not limited to:
 - 2.2.2.1 Credible threats to local facilities or operations;
 - 2.2.2.2 Response to natural disasters;
 - 2.2.2.3 Response to biological or chemical threats;
 - 2.2.2.4 Civil unrest.
 - 2.2.3 Any situation where additional trained responders are required to assist in the protection of life and property in the State of Delaware;
 - 2.2.4 An armored car company or agency, as defined by 24 **Del. C.** §1302(1), dealing with a credible threat or genuine risk to life or to property.
- 2.3 Guards who would be deployed and authorized to use such additional weaponry would be required to:
- 2.3.1 Be trained by certified firearms instructors pursuant to State of Delaware standards;
 - 2.3.2 Be required to re-qualify with the weapons on a three times per year basis;
 - 2.3.3 Maintain a handgun firearms license through the State;
 - 2.3.4 Be listed by name on a roster of authorized individuals; and
 - 2.3.5 Maintain employment in good standing with their security services contractor employer at all times for inclusion on the list.
- 2.4 Guards using such firearms would be required to maintain strict compliance with the provisions of 24 **Del. C.** §1321.
- 2.5 Rifles deemed appropriate for use in the State would be .30 caliber weapons, .223 caliber weapons, 9mm rifle type weapons, and other weapons approved by the Superintendent, or designee, as need and technology dictate. Shotguns would be of the 12 gauge law enforcement/military style weapons. All firearms would be subject to the approval of the Superintendent or designee.
- 10 DE Reg. 1445 (03/01/07)**
15 DE Reg. 875 (12/01/11)

3.0 NIGHTSTICK, PR24, MACE, PEPPER GAS AND HANDCUFFS

To carry the above weapons/items a security guard must have completed a training program on each and every weapon/item carried, taught by a certified instructor representing the manufacturer of the weapon/item. Under no circumstances would a person be permitted to carry any other type weapon/item, unless first approved by the Director of the Professional Licensing Section.

Adopted 11/04/94

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

15 DE Reg. 1181 (02/01/12)

4.0 TRAINING REQUIREMENTS

- 4.1 Each person licensed as a security guard under 24 **Del. C.** Ch. 13 shall undertake a total of sixteen (16) hours of training through a program approved by the Board, and any such additional training as the Board deems appropriate.
- 4.2 The required training shall include instruction in legal requirements and limitations, use of force, ethics, emergency services, diversity, communication, asset protection, and terrorism. The Board, in its discretion, may require such additional topics as it finds necessary.
- 4.3 The Professional Licensing Section shall have the authority to require regular reports on training from licensees and employers, and shall report to the Board on compliance with this regulation.
- 4.4 Training certifications shall be submitted with each new application or re-application and the training shall be completed no more than one year prior to submission of the application.

Adopted 12/01/07

Amended 12/01/11

5.0 USE OF ANIMALS

The use of animals is prohibited.

Adopted 04/23/98

3 DE Reg. 960 (01/01/00)

15 DE Reg. 1181 (02/01/12)

6.0 CRIMINAL OFFENSES

- 6.1 In addition to those qualifications set forth in 24 **Del. C.** §1314, no person required to be licensed under this chapter shall be issued a license, if that person has been convicted of Assault III within the last three (3) years.
- 6.2 For the purposes of 24 **Del. C.** Ch. 13, the Board may deny an application for a license or suspend or revoke a license if the applicant or licensee has been convicted of a misdemeanor crime involving moral turpitude. A misdemeanor crime involving moral turpitude includes, but is not limited to, the following crimes in the Delaware Code (or similar crimes under the laws of other jurisdictions):

6.2.1 Title 11:

- 6.2.1.1 §763 Sexual Harassment;

- 6.2.1.2 §764 Indecent Exposure 2nd Degree;
- 6.2.1.3 §765 Indecent Exposure 1st Degree;
- 6.2.1.4 §766 Incest;
- 6.2.1.5 §767 Unlawful Sexual Contact 3rd Degree;
- 6.2.1.6 §781 Unlawful Imprisonment 2nd;
- 6.2.1.7 §840 Shoplifting;
- 6.2.1.8 §861 Forgery;
- 6.2.1.9 §871 Falsifying Business Records;
- 6.2.1.10 §881 Bribery;
- 6.2.1.11 §907 Criminal Impersonation;
- 6.2.1.12 §1101 Abandonment of a Child;
- 6.2.1.13 §1102 Endangering the Welfare of a Child;
- 6.2.1.14 §1105 Endangering the Welfare of an Incompetent Person;
- 6.2.1.15 §1106 Unlawfully Dealing with a Child;
- 6.2.1.16 §1107 Endangering Children;
- 6.2.1.17 §1245 Falsely Reporting an Incident;
- 6.2.1.18 §1341 Lewdness;
- 6.2.1.19 §1342 Prostitution;
- 6.2.1.20 §1343 Patronizing a Prostitute; and
- 6.2.1.21 §1355 Permitting Prostitution.

6.2.2 Title 16

- 6.2.2.1 §1166 Patient Neglect or Abuse.

6.2.3 Title 31

- 6.2.3.1 §3913 Abuse/Neglect/Exploitation/Mistreatment of an Infirm Adult.

6.3 Anyone applying for licensure under 24 **Del. C.** Ch. 13 shall not be issued a license if they have any pending criminal charge(s) for any crimes listed in this Chapter.

6.4 The Professional Licensing Section may suspend anyone licensed under 24 **Del. C.** Ch. 13 who has been arrested and that arrest could result in the conviction of any misdemeanor or felony as described in this Chapter.

Adopted 11/04/94

13 DE reg. 502 (10/01/09)

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

7.0 EMPLOYMENT NOTIFICATION

- 7.1. Anyone applying for licensure under this chapter may be rejected without refund, or have their license revoked, for knowingly omitting any criminal history other material information, or to make a false statement on their application.
- 7.2. Employers Responsibility
- 7.2.1. A licensed private security agency, after investigation, shall notify the Professional Licensing Office, in writing, of any terminated employees. This information is to be included in the next monthly roster report following the termination.
- 7.2.2. A licensed private security agency shall report to the Professional Licensing Office, in writing, the following:
- 7.2.2.1. The name of any employee arrested;
- 7.2.2.2. The name of any employee admitted to any mental hospital ward, mental institution or sanitarium; or
- 7.2.2.3. The name of any employee disabled from carrying, owning, or possessing a gun by action of federal or state statute and/or court order, including bond orders and protection from abuse orders.

Adopted 11/04/94

4 DE Reg. 361 (08/01/00)

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

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

15 DE Reg. 1181 (02/01/12)

8.0 PRIVATE INVESTIGATORS

- 8.1 A Private Investigator shall not be a member or employee of any Delaware Law Enforcement Organization, as defined by the Council on Police Training or a member or employee of a law enforcement organization of any other state or federal jurisdiction.
- 8.2 The identification card will bear the employer's name. Upon termination of employment, the identification card is no longer valid. If seeking employment with another licensed agency, the Private Investigator must be re-licensed with the new employer and a new identification card will be issued as in the previous procedure.
- 8.3 A licensed Private Investigator may only be employed by one licensed Private Investigative Agency at a time.

Adopted 11/04/94

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

9.0 SECURITY GUARDS/ARMORED CAR GUARDS

Under no circumstances will a security guard/armored car guard be permitted to be employed by more than **two** agencies at a time. It is also the responsibility for each licensed security guard/armored car guard to advise his/her employer(s) of whom he/she is employed with (i.e. if a security guard/armored car guard is employed with two security guard/armored car guard agencies, both employers must be made aware of this fact.)

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