

TITLE 24

CHAPTER 55. BAIL ENFORCEMENT AGENTS

§ 5507 Licensing.

(d) An applicant, to be licensed under this chapter as a bail enforcement agent, must meet and maintain the following requirements:

- (1) Must be at least 21 years of age;
- (2) Must not have been convicted of any felony;
- (3) Must not have been convicted of any misdemeanor involving moral turpitude or any charge or been involved in any conduct that may impair the performance of the bail enforcement agent and endanger public safety as determined by the Professional Licensing Section;
- (4) Must not have been convicted of any misdemeanor involving the act of theft within the last 7 years;
- (5) Must not have been convicted of any misdemeanor involving drug offenses within the last 7 years;
- (6) Must not have been, as a juvenile, adjudicated as delinquent for conduct which, if committed by an adult, would constitute a felony, unless and until that person has reached their twenty-fifth birthday;
- (7) Must not have been convicted, within the last 7 years, of any 2 of the following misdemeanors: offensive touching or assault III;
- (8) Must not have been convicted of any offense involving the impersonation of a police officer or a person of trust as defined in Title 11;
- (9) Must not have been convicted of any criminal offense involving organized gang activity as defined in Title 11;
- (10) If served in the armed forces, must not have received a dishonorable discharge;
- (11) Must not be a member or employee of any law-enforcement organization, as defined by the Council of Police Training, or a member or employee of a law-enforcement organization of any other state or federal jurisdiction;
- (12) Must meet and maintain the qualifications set and approved by the Board pursuant to this chapter and the rules and regulations as promulgated by the Board and approved by the Secretary of Safety and Homeland Security.

RULES & REGULATIONS

4.0 Firearms Policy

4.1 Section 4.0 shall apply only to individuals licensed under 24 **Del.C.** Ch. 55, while such individuals are acting in the performance of their duties as a BEA.

4.2 No individual licensed under 24 **Del.C.** Ch. 55 shall carry a firearm unless that individual has first passed an approved firearms course of instruction and an initial

qualification administered by an approved 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). If waived, they must show proficiency and qualify a day and low light shoot with an approved firearms instructor. The initial qualification course shall 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.

4.3 In order to open carry a firearm while in the performance of their duties, individuals licensed to carry a firearm under 24 **Del.C.** Ch. 55 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 day shoots. Of these three, there will be one mandatory "low light" shoot which may be combined with a day shoot. Two day shoots shall not be completed on the same date. These qualifying shoots will be administered by an approved firearms instructor.

4.3.1 An individual not meeting the minimum qualifications set forth in subsection 4.3 may have their firearms license suspended until such time that they meet the minimum three qualifying shoots within the calendar year.

4.4 Only the handguns with the following calibers are permitted:

4.4.1 9mm;

4.4.2 .357;

4.4.3 .38;

4.4.4 .40;

4.4.5 .45; or

4.4.6 .357 SIG.

4.5 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.

4.6 Under no circumstances will anyone under this Section be allowed to carry any type of weapon that is not described herein.

4.7 All individuals must meet the minimum qualifications set forth in subsection 4.3 with the same make/model/caliber of weapon that he/she will carry.

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

4.9 The minimum passing score is 80%.

4.10 All firearms licenses are valid for a period of one year, subject to proof of compliance of Section 4.0 by submission of shoot certification or re-certification forms to

the Professional Licensing Section, by January 15th of each year for the previous calendar year.

4.11 If an individual requests to carry a different approved weapon, while in the performance of their duties as a BEA, other than the one on file with the Professional Licensing Section, he/she must have approval from the Director of Professional Licensing after submitting certification of a day and low light qualification with the new weapon. Upon approval, the individual can begin to carry the new weapon and the prior qualification of a different weapon will become void. Another day shoot with the new weapon must take place after 90 days, during the same calendar year. Individuals will only be authorized to carry the weapon they last qualified with and provided the shoot certifications to the Professional Licensing Section.

4.11.1 An individual may not change weapons after September 30th, of the current calendar year, without prior approval of the Director of Professional Licensing, after submitting a request to the Professional Licensing Section. If approval is granted, the individual must be certified and submit certification of a day and low light qualification to the Professional Licensing Section prior to carrying the weapon.

4.12 Firearms instructors providing instruction under Section 4.0:

4.12.1 Firearms instructors must be certified by the National Rifle Association as a Law Enforcement Instructor or through a law enforcement training and standards commission (i.e. C.O.P.T.). Certification by another professional firearms training institution as a "certified law enforcement firearms instructor" must be approved by the Board. Instructors approved by the Board through another professional firearms training institution will have reciprocity approval with any other Board under Department of Safety and Homeland Security, Division of State Police, Professional Licensing Section.

4.12.2 Firearms instructors are restricted to teaching and qualifying individuals according to the type of firearm matching their certification. (For example, a certified handgun instructor may only instruct and qualify individuals with the handgun.)

4.12.3 All firearms instructors must be approved by the Professional Licensing Section before they are authorized to instruct or qualify licensed individuals.

18 DE Reg. 318 (10/01/14)

19 DE Reg. 318 (10/01/15)

20 DE Reg. 473 (12/01/16)