

TITLE 10

CHAPTER 27. CONSTABLES

§ 2703 Qualification and training.

(a) A constable must be 21 years of age or older.

(b) To be approved by the Board of Examiners, a constable applicant shall meet the minimum standards established by the Board and shall participate in such other training as the Board requires.

(e) After appointment, the Board of Examiners shall determine, based on the constable's duties and employment, whether a constable shall be permitted to carry firearms while on duty as a constable. The Board of Examiners shall establish standards and requirements of firearms training and training in the use of deadly force for those constables permitted by the Board to carry firearms while on duty. Any constable not so trained is prohibited from carrying a firearm while on duty.

RULES & REGULATIONS

5.0 Firearms Policy

5.1 Section 5.0 shall apply only to individuals licensed under 10 **Del.C.** Ch. 27, while such individuals are acting in the performance of their duties as a constable.

5.2 No individual licensed under 10 **Del.C.** Ch. 27 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.

5.3 In order to open carry a firearm while in the performance of their duties, individuals licensed to carry a firearm under 10 **Del.C.** Ch. 27 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.

5.3.1 An individual not meeting the minimum qualifications set forth in subsection 5.3 may have their firearms license suspended until such time that they meet the minimum three qualifying shoots within the calendar year.

5.4 Only the handguns with the following calibers are permitted:

5.4.1 9mm;

5.4.2 .357;

5.4.3 .38;

5.4.4 .40;

5.4.5 .45; or

5.4.6 .357 SIG.

5.5 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.

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

5.7 All individuals must meet the minimum qualifications set forth in subsection 5.3 with the same make/model/caliber of weapon that he/she will carry.

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

5.9 The minimum passing score is 80%.

5.10 All firearms licenses are valid for a period of one year, subject to proof of compliance of Section 5.0 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.

5.11 If an individual requests to carry a different approved weapon, while in the performance of their duties as a constable, 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 License Section.

5.11.1 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 lowlight qualification to the Professional Licensing Section prior to carrying the weapon.

5.12 Firearms Instructors providing instruction under Section 5.0:

5.12.1 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.

5.12.2 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.)

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

Adopted 05/20/02

16 DE Reg. 996 (03/01/13)

19 DE Reg. 425 (11/01/15)

20 DE Reg. 472 (12/01/16)