

# 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 Section 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 armed 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 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.

1.3 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. 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 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.

1.3.1 An individual not meeting the minimum qualifications set forth in subsection 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 Section be allowed to carry any type of weapon that is not described herein.

1.7 All individuals must meet the minimum qualifications set forth in subsection 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 firearms licenses, armed security guard and armed armored car guard, are valid for a period of one year, subject to proof of compliance of Section 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.

1.11 If an individual requests to carry a different approved weapon, while in the performance of their duties as an armed security guard or armed armored car guard, 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.

1.11.1 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.

#### 1.12 Firearms Instructors providing instruction under Section 1.0;

1.12.1 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.

1.12.2 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.)

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

#### **Adopted 11/04/94**

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

**7 DE Reg. 1375 (03/01/04)**

**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)**

**20 DE Reg. 470 (12/01/16)**