

DEPARTMENT OF SAFETY AND HOMELAND SECURITY
DIVISION OF STATE POLICE
2400 BOARD OF EXAMINERS OF CONSTABLES
Statutory Authority: 10 Delaware Code, Chapter 27 (10 Del.C. Ch. 27)
24 DE Admin. Code 2400

PROPOSED

PUBLIC NOTICE

2400 Board of Examiners of Constables

Notice is hereby given that the Board of Examiners of Constables, in accordance with 10 Del. C. Ch. 27 proposes to amend/adopt Rules: 3.0 – Criminal Offenses – defines moral turpitude, and 5.0 – Firearms Policy – clarifies the 40 hour course shoot requirements, disqualifications, when qualification shoot sheets are due and the instructor certification requirements. If you wish to view these amendments/adoption, contact Ms. Peggy Anderson at 302-672-5304. Any persons wishing to present views may submit them in writing, by June 30, 2015, to Delaware State Police, Professional Licensing, P.O. Box 430, Dover, DE 19903. The Board will hold a special meeting on a date to be determined after June 30, 2015, Room 112, Tatnall Building, 150 Martin L. King Jr. Boulevard, South, Dover, DE.

2400 Board of Examiners of Constables

1.0 Experience

A constable must meet the minimum training standards as established by the Board.

Adopted 09/10/86

Amended 05/16/00

13 DE Reg. 677 (11/01/09)

2.0 Appeal

2.1 Any applicant who is rejected for a commission as a constable may, within 30 days of such notice of rejection, submit a written notice of appeal.

2.2 A hearing date, to be determined by the Board, will be convened to take relevant evidence on the appeal.

2.3 Such proceedings shall be conducted in accordance with the administrative procedures act (Title 29).

2.4 The Board decision, in writing, will be mailed to the applicant within ten working days after the hearing.

Adopted 09/10/86

3.0 Reserved Criminal Offenses

3.1 For the purposes of 10 Del.C. Ch. 27, the Director of the Professional Licensing Section may deny an application, suspend or revoke a commission if the applicant or commissioned individual 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):

3.1.1 Title 11 Crimes and Criminal Procedures Ch. 5 Specific Offenses:

3.1.1.1 §763 Sexual Harassment;

3.1.1.2 §764 Indecent Exposure 2nd Degree;

3.1.1.3 §765 Indecent Exposure 1st Degree;

3.1.1.4 §766 Incest;

3.1.1.5 §767 Unlawful Sexual Contact 3rd Degree;

3.1.1.6 §781 Unlawful Imprisonment 2nd;

3.1.1.7 §840 Shoplifting;

3.1.1.8 §861 Forgery;

3.1.1.9 §871 Falsifying Business Records;

3.1.1.10 §881 Bribery;

3.1.1.11§907 Criminal Impersonation;
3.1.1.12§1101 Abandonment of a Child;
3.1.1.13§1102 Endangering the Welfare of a Child;
3.1.1.14§1105 Crime Against a Vulnerable Adult;
3.1.1.15§1106 Unlawfully Dealing with a Child;
3.1.1.16§1107 Endangering Children;
3.1.1.17§1245 Falsely Reporting an Incident;
3.1.1.18§1341 Lewdness;
3.1.1.19§1342 Prostitution;
3.1.1.20§1343 Patronizing a Prostitute; and
3.1.1.21§1355 Permitting Prostitution.

3.1.2 Title 16 Health and Safety Ch. 11 Nursing Facilities and Similar Facilities:

3.1.2.1 §1136 Violations.

3.1.3 Title 31 Welfare Ch. 39 Adult Protective Services:

3.1.3.1 §3913 Violations.

3.2 Anyone applying for commission under 10 Del.C. Ch. 27 shall not be issued a commission if they have any pending criminal charge(s) for any crimes listed in this Chapter.

3.3 The Director of the Professional Licensing Section may suspend anyone commissioned under 10 Del.C. Ch. 27 who has been arrested and that arrest could result in the conviction of any misdemeanor or felony as described in this Chapter.

Adopted 10/16/96

Amended 05/16/00

12 DE Reg. 977 (01/01/09)

13 DE Reg. 677 (11/01/09)

18 DE Reg. 971 (06/01/15)

4.0 Reserved

Adopted 05/16/00

12 DE Reg. 977 (01/01/09)

18 DE Reg. 971 (06/01/15)

5.0 Firearm's 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.

5.42 No ~~person~~ individual licensed under 10 Del.C. §2703 Ch. 27 shall carry a firearm unless that ~~person~~ the individual has first passed an approved firearms course of instruction and an initial qualification administered by ~~a Board~~ 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.

5.23 In order to carry a firearm, ~~h~~individuals licensed to ~~carry a firearm~~ under 10 Del.C. Ch. 27 must shoot a minimum of three (3) qualifying shoots per ~~constable~~ 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 (4) mandatory "low light" shoot and may be combined with a day shoot. Two day shoots shall not be completed on the same date. ~~Simulation is permitted and it may be combined with a daylight shoot. The initial qualification shot may be used to fulfill one day and one low light requirement during the first year.~~

5.2.4 A constable year shall be June 1st to May 31st.

5.2.25.3.1 An individual not meeting the minimum qualifications set forth in 5.2 subsection 5.3 may have their firearms license be suspended from carrying a firearm while acting in the performance of their duties as a constable until such time that they meet the minimum three (3) qualifying shoots within the constable calendar year.

5.34 Firearms—approved caliber of weapons Only the handguns with the following calibers are permitted:

5.34.1 9mm;

- 5.34.2 .357;
- 5.34.3 .38;
- 5.34.4 .40;
- 5.4.5 .45; or
- 5.4.6 .357 SIG.

- 5.45 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.
- 5.56 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.
- 5.67 All individuals must ~~qualify~~ meet the minimum qualifications set forth in 5.3 with the same make/model/caliber of weapon that he/she will carry.
- 5.78 All ammunition ~~will~~ must be factory fresh (no re-loads).
- 5.89 The minimum passing score is 80%.
- 5.910 All licenses/commissions are valid for a period of ~~one (1) constable year~~ two years, 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.
- 5.101 Firearms Instructors providing instruction under Section 5.0:
 - 5.101.1 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".
 - 5.101.2 Firearms instructors are restricted to teaching and qualifying individuals according to the type of firearm matching their certification. (For example, a certified ~~shotgun~~ handgun instructor may only instruct and qualify individuals with the ~~shotgun~~ handgun.)
 - 5.101.3 All firearms instructors must be approved by the ~~Board~~ Professional Licensing Section before they are authorized to instruct or qualify licensed/commissioned individuals ~~licensed under 10 D.I.C. Ch. 27.~~

Adopted 05/20/02

- 12 DE Reg. 977 (01/01/09)**
- 13 DE Reg. 677 (11/01/09)**
- 16 DE Reg. 996 (03/01/13)**
- 18 DE Reg. 953 (06/01/15) (Prop.)**