SPONSOR: Sen. Bushweller & Rep. Carson & Rep. Potter
Sens. Ennis, Hocker, Lopez; Reps. Bolden, Heffernan, J. Johnson, Paradee, Wilson

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE BILL NO. 55

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PRIVATE INVESTIGATIVE, PRIVATE SECURITY AND ARMORED CAR AGENCIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend § 1302, Title 24 of the Delaware Code concerning Private Investigators and Private Security Agencies, by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 1302 Definitions.

As used in this chapter, unless the context requires a different definition:

~~(1) "Armored car company" or "agency" means any person that provides secured transportation and protection from 1 place or point to another place or point of money, currency, coins, bullion, securities, bonds, jewelry or other valuables.~~

~~(2) "Board" means the Delaware Board of Examiners of Private Investigators and Private Security Agencies.~~

~~(3) "Branch office license" means a permit granted by the Board entitling a person to operate as a security services contractor or investigations company at a location other than the principal place of business as shown in the Board records.~~

~~(4) "Commissioned security officer" means any security officer to whom a security officer commission has been issued by the Board.~~

~~(5) "Computer forensic specialist", means persons who interpret, evaluate, test, or analyze pre-existing data from computers, computer systems, networks, or other electronic media, provided to them by another person where that person owns, controls, or possesses said computer, computer systems, networks, or electronic media.~~

~~(6) "Deadly weapon" has the meaning given in the definition of "deadly weapon" in § 222 of Title 11.~~

~~(7) "Director" means the officer in charge of the Professional Licensing Section of the Division of the Delaware State Police.~~

~~(8) "Event security staff" means any individual employed by a security-services contractor to primarily perform crowd management, patron screening and event security at sports or entertainment venues with a minimum spectator capacity of 5,000 people.~~

~~(9) "Firearm" has the meaning given in § 222 of Title 11.~~

~~(10) "Guard company" or "agency" means any person engaging in the business of or undertaking to provide a private watchperson, guard or street patrol service on a contractual basis for another person and performing any one or more of the following or similar functions:~~

~~a. Prevention of intrusion, entry, larceny, vandalism, abuse, fire, or trespass on private property;~~

~~b. Prevention, observation or detection of any unauthorized activity on private property;~~

~~c. Control, regulation or direction of the flow or movements of the public, whether by vehicle or otherwise, only to extent and for the time directly and specifically required to assure the protection of property; or~~

~~d. Protection of individual from bodily harm.~~

~~"Guard company" or "agency" shall also include any person that employs and supervises event security staff.~~

~~(11) "Investigator" or "agency" means any person who engages in the business or accepts employment to obtain or furnish information with reference to:~~

~~a. Crime or wrongs done or threatened against the United States of America or any state or territory of the United States of America;~~

~~b. The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation or character of any person;~~

~~c. The location, disposition or recovery of lost or stolen property;~~

~~d. The cause or responsibility for fires, libels, losses, accidents, damages or injuries to persons or to property;~~

~~e. The securing of evidence to be used before any court, board, officer, or investigating committee; or~~

~~f. "Investigator" or "agency" shall not include any person employed as a computer forensic specialist.~~

~~(12) "License" means a permit granted by the Board entitling a person to operate as a security services contractor or investigations company.~~

~~(13) "Licensee" means any person to whom a license is granted under this chapter.~~

~~(14) "Manager" means in the case of a corporation, an officer or supervisor, or in the case of a partnership, a general or unlimited partner meeting the experience qualifications set forth in this chapter for managing a security services contractor or an investigations company.~~

~~(15) "Person" includes individual, firm, association, company, partnership, corporation, nonprofit organization, institution, or similar entity.~~

~~(16) "Private investigator" means any person who performs 1 or more services as described under the definition of investigator.~~

~~(17) "Registration" means a permit granted by the Board to an individual to perform the duties as described in this chapter.~~

~~(18) "Security department of a private business" means the security department of any person, if the security department has as its general purpose the protection and security of its own property and grounds, and if it does not offer or provide security services to any other person.~~

~~(19) "Security officer" means any individual employed by a security services contractor or the security department of a private business to perform the duties of a security guard, security watchperson, security patrol, armored car guard or courier guard.~~

~~(20) "Security officer commission" means an authorization granted by the Board to an individual employed as a security officer to carry a firearm.~~

~~(21) "Security services contractor" means any guard company, armored car company or courier company as defined herein.~~

(a) “Armed” shall mean any private security guard or armored car guard who carries or has immediate access to a firearm in the performance of their duties.

(b) "Armored car agency" shall mean any person that provides armed secured transportation and protection from one place or point to another place or point of money, currency, coins, bullion, securities, bonds, jewelry, negotiables or other valuables in a specially-equipped motor vehicle.

(c) “Armored car guard” shall mean an individual employed by an armored car agency to perform duties as described under the definition of armored car agency.

(d) "Board" shall mean the Delaware Board of Examiners of Private Investigators and Private Security Agencies.

(e) "Commissioned security guard" shall mean an individual employed to (i) safeguard and protect persons or property or (ii) deter theft, loss or concealment of any tangible or intangible personal property on the premises he/she is contracted to protect, and (iii) who carries or has access to a firearm in the performance of his/her duties as provided under authority of the Board.

(f) “Compliance Agent” shall mean any individual employed by a private security agency, private investigative agency, or armored car agency within the State of Delaware who serves within a management capacity within the State, and who ensures compliance of the business with the requirements of this chapter.

(g) “Computer forensic specialist” shall mean an individual who interprets, evaluates, tests, or analyzes pre-existing data from computers, computer systems, networks, or other electronic media, provided to them by another where that person owns, controls, or possesses said computer, computer systems, networks or electronic media through the use of highly specialized expertise in recovery, authentication and analysis of electronic data or computer usage. A computer forensic specialist shall not be classified or within the definition of a private investigator.

(h) “Department” shall mean the Department of Safety and Homeland Security.

(i) “Director" shall mean the officer in charge of the Professional Licensing Section of the Division of the Delaware State Police.

(j) “Division” shall mean the Division of the Delaware State Police.

(k) "Event security staff" shall mean any individual employed by a private security agency to primarily perform crowd management, patron screening and event security at sports or entertainment venues with a minimum spectator capacity of 5,000 people.

(l) "Firearm" shall hold the meaning as defined in § 222 of Title 11.

(m) "License" shall mean a method of regulation whereby businesses, sole proprietors, partnerships for a private security agency, private investigative agency, or armored car agency are required to be licensed by the Board.

(n) "Manager" shall mean in the case of a corporation, an officer or supervisor, or in the case of a partnership, a general or unlimited partner meeting the experience qualifications set forth in this chapter for a private security agency, private investigative agency or armored car agency.

(o) “Officer” shall mean the president, vice president, secretary, treasurer, comptroller, partner, owner or any other corporate title.

(p) "Person" shall mean an individual (sole proprietorship), firm, association, company, partnership, corporation, nonprofit organization, institution, or similar entity.

(q) “Private Investigative Agency" means any person who engages in the business or accepts employment to obtain or furnish information or to conduct investigations with reference to:

(1) Crime or civil wrongs;

(2) The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation or character of any person;

(3) The location, disposition or recovery of lost or stolen property;

(4) The cause or responsibility for fires, libels, losses, accidents, damages or injuries to persons or to property;

(5) The securing of evidence to be used before any court, board, officer, or investigating committee.

(r) “Private Investigator” shall mean an individual employed by a private investigative agency (even as a sole proprietor) to perform one or more duties as described under the definition of private investigative agency.

(s) “Private Security Agency" shall mean any person engaging in the business of or undertaking to provide a private watchperson, guard or street patrol service on a contractual basis for another person and performing any one or more of the following or similar functions:

(1) Prevention of intrusion, entry, larceny, vandalism, abuse, fire, or trespass on private property;

(2) Prevention, observation or detection of any unauthorized activity on private property;

(3) Control, regulation or direction of the flow or movements of the public, whether by vehicle or otherwise, only to extent and for the time directly and specifically required to assure the protection of property; or

(4) Supervises event security staff.

(t) “Private Security Guard” shall mean an individual employed by a private security agency to perform one or more duties as described under the definition of a private security agency.

(u) ”Proprietary Security” shall mean the in-house security department of any person, if the security department has as its general purpose the protection and security of its own property and grounds, and if it does not offer or provide security services to any other person.

(v) "Registration" shall mean a method of regulation whereby an individual employed by a private security agency, private investigative agency, or armored car agency as a security guard, private investigator or armored car guard is licensed and issued an identification card by the Professional Licensing Section.

(w) ”Section” shall mean the Professional Licensing Section of the Delaware State Police.

(x) “Secretary” shall mean the Secretary of the Department of Safety and Homeland Security.

(y) “Superintendent” shall mean the Superintendent of the Division of the Delaware State Police or the appointed designee.

Section 2. Amend § 1303, Title 24 of the Delaware Code concerning Private Investigators and Private Security Agencies, by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

~~§ 1303 Engaging in business as private detective without license; penalty.~~

~~(a) Any individual or business who fails to obtain the license required by § 1329 of this title shall be subject to the penalties set forth in subsection (b) of this section below.~~

~~(b) Whoever violates this section shall be fined not more than $500 or imprisoned not more than 1 year or both.~~

§ 1303 Board of Examiners of Private Investigative, Private Security and Armored Car Agencies; composition, qualifications, terms, vacancies; suspension or removal; compensation.

(a) The Delaware Board of Examiners of Private Investigative, Private Security and Armored Car Agencies shall administer and enforce this chapter.

(b) The Board is composed of the following members:

(1) The Superintendent;

(2) The Attorney General;

(3) Three members of the public who are residents of the State of Delaware;

(4) Two members who are (i) licensed under this chapter; (ii) engaged for a period of three consecutive years as the owner or operator of a private investigative agency;

(5) Two members who are (i) licensed under this chapter; (ii) engaged for a period of three consecutive years as the owner or operator of a private security agency; or the owner or operator of an armored car agency.

(c) No person shall be eligible for appointment as a public member if the person or their spouse:

(1) Holds a license issued by a professional regulatory agency in the field of private security;

(2) Serves as an employee or within a management role at a business entity or other organization related to the field of private security, private investigative, or armored car agency;

(3) Holds a financial interest in a business entity or other organization related to the field of private security, private investigative, or armored car agency.

(d) No member of the Board may be an officer, employee or paid consultant of a trade association in the private security, private investigative or armored car industry. For the purpose of this section, “trade association” shall mean a nonprofit, cooperative, voluntarily joined association of business or professional competitors that is designed to assist its members and its industry or profession in dealing with mutual or professional problems in promoting their common interests.

(e) The Governor may suspend or remove a public member of the Board for failure to hold or maintain qualifications for appointment; failure to attend at least half of the regularly scheduled meetings held within a calendar year; and any misfeasance, nonfeasance, malfeasance, misconduct, incompetency or neglect of duty.

(f) The provisions of the State Employees', Officers' and Officials' Code of Conduct set forth in Chapter 58 of Title 29 apply to the members of the Board.

(g) Members serving by virtue of position may appoint a designee to serve in their stead and at their pleasure. All other members shall be appointed by the Governor for terms up to three years in order to continue a staggered basis so that no more than three members' terms shall expire in a year.

(h) Members not serving by virtue of position shall receive compensation at the rate of $50 per meeting attended; provided, however, no member shall receive compensation for the year in excess of $1500.

Section 3. Amend § 1304, Title 24 of the Delaware Code concerning Private Investigators and Private Security Agencies, by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

~~§ 1304 Board of examiners of private investigators and private security agencies.~~

~~(a) Creation of Board. — The Delaware Board of Examiners of Private Investigators and Private Security Agencies is created for the protection of the general public and to carry out the functions and duties conferred on it by this chapter. The Director of the Delaware Board of Examiners of Private Investigators and Security Agencies shall serve as Chief Administrator of the Board. The Director shall be a uniformed member of the Division of State Police designated by the Secretary of Public Safety.~~

~~All legal process and all documents required by law to be served or filed with the Board shall be served or filed with the Director at the designated office herein also referred to as the Professional Licensing Section, Division of State Police. All official records of the Board or affidavits by the Director as to the content of such records shall be prima facie evidence of all matters required to be kept by the Board.~~

~~The Delaware Board of Examiners of Private Investigators and Security Agencies will adhere to the Administrative Procedures Act [Chapter 101 of Title 29].~~

~~All fines collected under this chapter shall be deposited to the credit of the General Fund.~~

~~(b) Rules of Procedure. — The Board shall have the following powers and duties:~~

~~(1) To determine the qualifications of security guards, private investigators, armored car employees and businesses licensed under this chapter;~~

~~(2) To investigate alleged violations of the provision of this chapter and of any rules and regulations adopted by the Board;~~

~~(3) To promulgate all rules and regulations necessary in carrying out the provisions of this chapter; and~~

~~(4) To establish and enforce standards governing the safety and conduct of persons licensed and registered under this chapter.~~

§ 1304 Organization; meetings; officers; quorum; Executive Secretary.

(a) The Chair of the Board shall be the Superintendent.

(b) The Board shall hold regularly scheduled meetings at least four times in a calendar year, at other times the Chair considers necessary, or at the request of a majority of the Board.

(c) The Director shall designate an Executive Secretary who will be responsible for the performance of the regular administrative functions of the Board and other duties the Board may direct.

(d) A majority of the members of the Board constitutes a quorum for the purpose of transacting business; however, no disciplinary action may be taken without the affirmative vote of at least five members.

(e) The Board shall prepare information of interest to consumers or recipients of services regulated, under this chapter, describing the Board's procedures by which complaints are filed with and resolved by the Board. The Board shall make the information available to the general public and appropriate state agencies.

Section 4. Amend § 1305, Title 24 of the Delaware Code concerning Private Investigators and Private Security Agencies, by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 1305 Board membership; eligibility.

~~(a) The Board is composed of the following members:~~

~~(1) The Superintendent of the Division of State Police or a designated representative;~~

~~(2) The Attorney General or a designated representative;~~

~~(3) Three public members shall be appointed by the Governor, who are residents of the State of Delaware;~~

~~(4) Two members shall be appointed by the Governor, who are licensed under this chapter, who have been engaged for a period of 5 consecutive years as a private investigator and who are not employed by the same person as any other member of the Board;~~

~~(5) Two members shall be appointed by the Governor, who are licensed under this chapter, who have been engaged for a period of 5 consecutive years as a security services contractor, and who are not employed by the same person as any other member of the Board, who:~~

~~a. Is licensed under this chapter as an owner or operator of a guard company;~~

~~b. Has operated for at least 5 consecutive years as a guard company; and~~

~~c. Is not employed by a person who employs any other member of the Board.~~

~~(b) A person is not eligible for appointment as a public member if the person or the person's spouse:~~

~~(1) Is licensed by an occupational regulatory agency in the field of private security;~~

~~(2) Is employed by or participates in the management of a business entity or other organization related to the field of private security; or~~

~~(3) Has, other than as a consumer, a financial interest in a business entity or other organization related to the field of private security.~~

~~(c) A member of the Board may not be an officer, employee or paid consultant of a trade association in the private security industry.~~

~~For the purpose of this section, "trade association" means a nonprofit, cooperative, voluntarily joined association of business or professional competitors that is designed to assist its members and its industry or profession in dealing with mutual or professional problems and in promoting their common interests.~~

~~(d) It is grounds for removal from the Board if a member:~~

~~(1) Does not have, at the time of appointment, the qualifications required by paragraph (a)(5)a. or b., of this section for appointment to the Board;~~

~~(2) Does not maintain, during the service on the Board, the qualifications required by paragraph (a)(5)a. or b., of this section, for appointment to the Board;~~

~~(3) Violates a prohibition established in subsection (b) of this section;~~

~~(4) Does not attend at least 1/2 of the regularly scheduled meetings, held by the Board, in a calendar year, excluding meetings held when the person was not a member of the Board; or~~

~~(5) Is unable to discharge the members' duties for a substantial part of the term of which the member was appointed because of illness or disability.~~

~~The validity of an action of the Board is not affected by the fact that it was taken when a ground for removal of a member of the Board existed.~~

~~If the Director has knowledge that a potential ground for removal exists, the Director shall notify the Chairperson of the Board of the ground. The Chairperson of the Board shall then notify the Governor that a potential grounds for removal exists.~~

~~(e) Notwithstanding the provisions of this section, all Board members serving as of June 27, 1994, shall continue to serve the balance of their term.~~

§ 1305 Board Powers.

(a) The Board shall determine the qualifications of security guards, private investigators, armored car guards, private security agencies, private investigative agencies, and armored car agencies.

(b) The Board shall promulgate all rules and regulations necessary in carrying out the provisions of this chapter.

(c) The Board shall investigate alleged violations of any provision of this chapter or rule or regulation promulgated thereunder.

(d) The Board may deny, suspend or revoke any application, registration or license.

(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.

Section 5. Amend § 1306, Title 24 of the Delaware Code concerning Private Investigators and Private Security Agencies, by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

~~§ 1306 Terms of office.~~

~~Members appointed to the Board serve 3-year terms, however, no member can serve more than 2 consecutive terms. If a member has served 2 consecutive terms, the member may be reappointed providing that the member has not served for 3 years prior to the member's last appointment.~~

§ 1306 Records.

(a) The Section shall keep a register of all applications for security guards, private investigators, armored car guards, security guard agencies, private investigative agencies and armored car agencies, complete records relating to meetings of the Board, rosters, changes and additions to the Board's rules and regulations, hearings and such other matters as the Board shall determine. Such records shall be prima facie evidence of the proceedings of the Board.

(b) The Section pursuant to approval of the Board shall:

(1) Adopt and, from time to time, revise such rules and regulations and standards not inconsistent with the law as may be necessary to enable it to carry into effect this chapter;

(2) Deny or withdraw approval from applicants for failure to meet approved application procedures and other criteria;

(3) Oversee renewal applications and appropriate fees;

(4) Coordinate hearings upon request for denial, suspension or revocation of a license or identification card;

(5) Have the power to issue subpoenas and compel the attendance of witnesses, and administer oaths to persons giving testimony at hearings;

(6) Have all the duties, powers and authority necessary to the enforcement of this chapter, as well as such other duties, powers and authority as it may be granted from time to time by the Board.

Section 6. Amend § 1307, Title 24 of the Delaware Code concerning Private Investigators and Private Security Agencies, by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

~~§ 1307 Compensation of Board members.~~

~~Each member of the Board, who is not serving on the Board in their capacity as a state employee, shall be reimbursed $50 for each meeting attended; provided however, that no Board member shall receive more than $500 in any given calendar year.~~

§ 1307 Investigations, Subpoenas and Injunctions.

(a) The Director shall have the authority to investigate any violations of this chapter or any rules or regulations adopted by the Board. The Section shall be responsible for issuing a final written report at the conclusion of its investigation.

(1) The Board may issue subpoenas to compel the production of pertinent books, accounts, records and documents.

(b) The Director shall have the power to enter at all reasonable times upon any private or public property for the purposes of determining whether or not there is compliance with, or violations of this chapter, or rules and regulations adopted by the Board.

(c) Upon a finding of a violation pursuant to the investigation, the Board shall cause a copy of the complaint, together with a notice of the time and place fixed for a hearing, to be served upon the practitioner at least 30 days before the date fixed for the hearing. In cases where the practitioner cannot be located or where personal service cannot be effected, substitute service shall be effected in the same manner as with civil litigation.

(d) The Board may administer oaths and require testimony and evidence be given under oath.

(1) No witness shall refuse to obey a subpoena issued by the Board. Upon refusal, the Board may petition Superior Court to schedule a hearing to compel the witness to comply with the subpoena.

(e) During the investigation or upon a finding of violation of the provisions of this chapter or rule or regulation, the Board may request the Attorney General to make application to the Court of Chancery for an order enjoining such acts or practices or for an order directing compliance, and upon a showing by the Board of such a violation, a permanent or temporary injunction, restraining order or other order may be granted.

Section 7. Amend § 1308, Title 24 of the Delaware Code concerning Private Investigators and Private Security Agencies, by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

~~§ 1308 Subpoenas and injunctions.~~

~~(a) In the conduct of any investigation conducted under the provisions of this chapter, the Board may issue subpoenas to compel the attendance of witnesses and the production of pertinent books, accounts, records and documents. The officer conducting the hearing may administer oaths and may require testimony and evidence to be given under oath.~~

~~(b) No witness is privileged to refuse to testify to any fact or produce any paper respecting which the witness is properly examined by the officer conducting the hearing.~~

~~If a witness refuses to obey a subpoena or give any evidence relevant to proper inquiry by the Board, then the Board may petition Superior Court to compel the witness to obey the subpoena or give the evidence. The Court shall immediately issue process to the witness and shall hold a hearing on the petition as soon as possible. If the witness refuses, without reasonable cause or legal grounds, to be examined or to give evidence relevant to proper inquiry by the Board, the Court shall punish the witness for contempt.~~

~~(c) The Director and/or the Director's designee shall have the authority to investigate any violations of this chapter and/or rules and regulations adopted by the Board and are authorized to take statements under oath in any investigation of a matter covered by this chapter. In the conduct of any investigation conducted under this chapter, the Board may issue subpoenas to compel the attendance of witnesses and the production of pertinent books, accounts, records, and documents.~~

~~(d) The Board may institute an action in its name against a person to enjoin a violation of this act or a rule or regulation of the Board. For the Board to sustain the action, the Board does not have to allege or prove that an adequate remedy at law does not exist or that substantial or irreparable damage would result from the continued violation. The Board may not be required to give an appeal bond in any cause arising under this chapter.~~

~~(e) Whenever it appears that any person has violated any of the provisions of this chapter for which a penalty is imposed, the Board may cause a civil suit to be instituted in a Court of Chancery for injunctive relief to restrain such person from continuing the violation and for assessment and recovery of the civil penalty.~~

§ 1308 Emergency Suspension.

(a) The Director may, without notice or hearing, issue a suspension of a license or registration upon a finding that an emergency exists that requires immediate action to protect the health and safety of the public. Such suspension shall be effective immediately.

(b) Any person whose license has been suspended on an emergency basis, upon application to the Board, shall be afford a hearing within 30 days, but not more than 90 days. Upon the conclusion of the hearing, the suspension shall be continued, modified or revoked within 30 days of the hearing.

Section 8. Amend § 1309, Title 24 of the Delaware Code concerning Private Investigators and Private Security Agencies, by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

~~§ 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.~~

§ 1309 Change in membership or address or location of business; authorization of new location

(a) In the event of any change in the membership of the firm, or in the officers or directors of any association or corporation, or any change in the address of any office or location of such business, the Director shall be notified in writing of such change within 14 days thereafter. Failure to give such notification shall be sufficient cause for suspension or revocation of the license.

(b) Upon written application to the Director setting forth a proposed change in the location of any office or place of business of the licensee as set forth in the license, the Director may authorize a new location for any such office or place of business. In such case, the licensee shall produce to the Director the license and all copies thereof to the end that the Director may either endorse thereon such change of location or issue a new license as of the same date as the original license in lieu of the license so surrendered.

Section 9. Amend § 1310, Title 24 of the Delaware Code concerning Private Investigators and Private Security Agencies, by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

~~§ 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.~~

§ 1310 Notifications.

(a) Notification shall be made to the Section within 14 days after the change of address of any person licensed under this chapter.

(b) Any person licensed or issued an identification card under this chapter shall, excluding weekends and holidays, notify the Board within five days of any arrest which could result in a misdemeanor or felony conviction. Failure to report may result in the suspension or revocation of a license.

(c) Any person licensed under §§ 1318, 1319 and 1320 of this chapter shall report to the Board within five days of any instance of violation of this chapter or any rule or regulation by their employees licensed under this chapter.

(d) Any person licensed under §§ 1318, 1319 and 1320 shall report to the Section a current address, telephone number and name of the employee managing the office. In the event there is not an office within the State, then the address, telephone number and name of the compliance agent for the business shall be reported. The compliance agent shall maintain all records including personnel for all agency business within the State and make them available to the Section upon demand within 48 hours.

Section 10. Amend § 1311, Title 24 of the Delaware Code concerning Private Investigators and Private Security Agencies, by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

~~§ 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.~~

§ 1311 Insurance

(a) Any person who applies for a license to own or operate a private investigations company, private security agency or armored car agency shall file with the Section a surety bond and certificate of liability insurance in the amount set forth by the Board.

Section 11. Amend § 1312, Title 24 of the Delaware Code concerning Private Investigators and Private Security Agencies, by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

~~§ 1312 Organization and meetings of the Board.~~

~~The Board shall meet quarterly or at such times to be decided by the majority of the Board.~~

~~A majority of the Board constitutes a quorum to transact business.~~

§ 1312 License fee.

(a) Any person may be charged an application fee as set forth by the Board. The fee shall not exceed $600 per year.

Section 12. Amend § 1313, Title 24 of the Delaware Code concerning Private Investigators and Private Security Agencies, by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

~~§ 1313 Consumer information.~~

~~The Board shall prepare information of interest to consumers or recipients of services regulated, under this chapter, describing the Board's procedures by which complaints are filed with and resolved by the Board. The Board shall make the information available to the general public and appropriate state agencies.~~

~~The Board, by rule, shall establish methods by which consumers or service recipients are notified the name, mailing address, and telephone number, of the Board, for the purpose of directing complaints to the Board. The Board may~~

~~provide for the notification through inclusion of the information, on each registration form, application, or written contract for services of a person regulated under this chapter.~~

§ 1313 License and Identification Card requirements and submission of fingerprints.

(a) No person shall act as a private investigator, private security guard or armored car guard or engage in the business of a private investigative agency, private security agency, or armored car agency without first obtaining a license or identification card from the Professional Licensing Section.

(b) No person shall be issued an identification card or license unless the individual and all officers submit to the State Bureau of Investigation their name, social security number, age, race, sex, date of birth, height, weight, hair and eye color, address of legal residence and the other such information as may be necessary to obtain a report of the person's entire State criminal record history and entire federal criminal history pursuant the Federal Bureau of Investigation appropriation of Title II of Public Law 92-544.

Section 13. Amend § 1314, Title 24 of the Delaware Code concerning Private Investigators and Private Security Agencies, by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

~~§ 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.~~

§ 1314 Security guard registration 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 a theft-related offense, drug offense, or moral turpitude, within the last 7 years, and:

a. There are no more than two of such misdemeanors during such person's lifetime; and

b. No misdemeanor conviction occurred during or as a result of employment in a capacity regulated by this chapter.

(4) Must not have been, as a juvenile, adjudicated delinquent for conduct which, if committed by an adult would constitute a felony, unless and until that person has reached their twenty-first birthday;

(5) If served in the armed forces, must not have been dishonorably discharged;

(6) Must not be a member or employee of any law-enforcement organization, as defined by the Council of Police Training;

(7) Must meet and maintain the qualifications set and approved by the Board of Examiners.

Section 14. Amend § 1315, Title 24 of the Delaware Code concerning Private Investigators and Private Security Agencies, by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

~~§ 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.~~

§ 1315 Commissioned security guard registration requirements.

Anyone who wishes to be licensed as an armed security guard, under this chapter, must meet and maintain the same qualifications as a security guard and must be at least 21 years of age.

Section 15. Amend § 1316, Title 24 of the Delaware Code concerning Private Investigators and Private Security Agencies, by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

~~§ 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.~~

§ 1316 Private investigator registration requirements.

Anyone who wishes to be licensed as a private investigator, under this chapter, must meet and maintain the same qualifications as a security guard under section 1314 of this chapter, and must also be at least 21 years of age.

Section 16. Amend § 1317, Title 24 of the Delaware Code concerning Private Investigators and Private Security Agencies, by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

~~§ 1317 Armored car guard license requirements.~~

~~Must meet same qualifications as a commissioned security guard.~~

§ 1317 Armored car guard registration requirements.

Anyone who wishes to be licensed as an armored car guard, under this chapter, must meet and maintain the same qualifications as a commissioned security guard under § 1315.

Section 17. Amend § 1318, Title 24 of the Delaware Code concerning Private Investigators and Private Security Agencies, by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

~~§ 1318 Security guard business licensee license requirements.~~

~~An applicant applying for a license, to own and operate a security guard business, shall have the following qualifications:~~

~~(1) Be at least 25 years of age;~~

~~(2) Have at least 4 years of experience as a manager in a bona fide licensed security agency or must have at least 5 years investigative experience or must have been a police officer for any local, state or federal agency or the equivalent thereof who has graduated from a certified law enforcement academy;~~

~~(3) Not have been convicted of any felony;~~

~~(4) 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 licensee to be issued a license;~~

~~(5) Not have been convicted of any drug offense;~~

~~(6) Meet and maintain the qualifications set and approved by the Board of Examiners.~~

§ 1318 Private security agency license requirements.

An applicant applying for a license, to own and operate a private security agency, shall have the following qualifications:

(1) Must be at least 25 years of age;

(2) Must have at least 4 years of experience as a manager in a bona fide licensed security agency or must have at least 5 years investigative experience or must have been a police officer for any local, state or federal agency or the equivalent thereof who has graduated from a certified law enforcement academy;

(3) Must not have been convicted of any felony;

(4) Must not have been convicted of any misdemeanor involving a theft-related offense, drug offense, or moral turpitude within the last seven years, and:

a. There are no more than two of such misdemeanors during such person's lifetime; and

b. No misdemeanor conviction occurred during or as a result of employment in a capacity regulated by this chapter;

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

Section 18. Amend § 1319, Title 24 of the Delaware Code concerning Private Investigators and Private Security Agencies, by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

~~§ 1319 Private investigator business licensee license requirements.~~

~~An applicant applying for a license to own and operate a private investigative business, shall have the following qualifications:~~

~~(1) Be at least 25 years of age;~~

~~(2) Have at least 5 years investigative experience or must have been a police officer for any local, state or federal agency or the equivalent thereof who has graduated from a certified law enforcement academy;~~

~~(3) Not have been convicted of any felony;~~

~~(4) 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 the private investigative industry, to constitute a disqualification for a private investigator to be issued a license;~~

~~(5) Not have been convicted of any drug offense;~~

~~(6) Meet and maintain the qualifications set and approved by the Board of Examiners.~~

§ 1319 Private investigative agency license requirements.

An applicant applying for a license to own and operate a private investigative business, shall have the same qualifications as a private security agency license and must also have at least 5 years' investigative experience or must have been a police officer for any local, state or federal agency or the equivalent thereof who has graduated from a certified law-enforcement academy.

Section 19. Amend § 1320, Title 24 of the Delaware Code concerning Private Investigators and Private Security Agencies, by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

~~§ 1320 Armored car guard business licensee license requirements.~~

~~An applicant applying for a license, to own and operate an armored car guard business, shall have the following qualifications:~~

~~(1) Be at least 25 years of age;~~

~~(2) Have at least 4 years of experience as a manager in a bona fide armored car agency;~~

~~(3) Not have been convicted of any felony;~~

~~(4) 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 armored car services, as to constitute a disqualification for an armored car guard, and/or licensee to be issued a license;~~

~~(5) Not have been convicted of any drug offense;~~

~~(6) Meet and maintain the qualifications set and approved by the Board of Examiners;~~

~~(7) Have been issued a license by the Banking Commissioner pursuant to § 3203 of Title 5.~~

§ 1320 Armored car agency license requirements.

An applicant applying for a license, to own and operate an armored car guard agency, shall have the same qualifications of the private security agency license and must also:

(1) Have at least 4 years of experience as a manager in a bona fide armored car agency or five years as a police officer for any local, state or federal agency or the equivalent thereof who has graduated from a certified law enforcement academy;

(2) Have been issued a license by the Banking Commissioner pursuant to § 3203 of Title 5.

Section 20. Amend § 1321, Title 24 of the Delaware Code concerning Private Investigators and Private Security Agencies, by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

(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.

1. Private investigative, private security and armored car agencies shall be held responsible for monitoring all firearm certification or recertification for their employees for compliance with promulgated rules and regulations.

2. Private investigative, private security and armored car agencies must provide Professional Licensing with documentation that employees are compliant with firearm certification and recertification requirements of the Board.

3.The Board may revoke the ability to carry a weapon if a registration holder or agency fails to comply with promulgated rules and regulations.

Section 21. Amend § 1322, Title 24 of the Delaware Code concerning Private Investigators and Private Security Agencies, by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

~~§ 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.~~

§ 1322 Posting of License.

(a) Before any applicant shall exercise any rights under the license issued to the applicant, such license, or a certified copy thereof, shall be posted and at all times thereafter while the same is in force be displayed in a conspicuous place in the principal office and in each bureau, agency, sub-agency, office or branch office for which it is issued.

(b) No person holding any license issued by the Board under this chapter shall:

(1) Post or permit such license to be posted upon premises other than those described therein or to which it may be transferred pursuant to this chapter;

(2) Fail to maintain such license in a conspicuous place in such offices or places of business; or

(3) Knowingly alter, deface or destroy any such license or permit the alteration, defacement or destruction thereof.

Section 22. Amend § 1323, Title 24 of the Delaware Code concerning Private Investigators and Private Security Agencies, by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

~~§ 1323 Change in membership or address or location of business; authorization of new location.~~

~~(a) In the event of any change in the membership of the firm or in the officers or directors of any association or corporation or any change in the address of any office or location of such business, the Superintendent shall be notified in writing of such change within 5 days thereafter. Failure to give such notification shall be sufficient cause for revocation of the license.~~

~~(b) Upon written application to the Superintendent setting forth a proposed change in the location of any office or place of business of the licensee as set forth in the license, the Superintendent may authorize a new location for any such office or place of business. In such case, the licensee shall produce to the Superintendent the license and all copies thereof to the end that the Superintendent may either endorse thereon such change of location or issue a new license as of the same date as the original license in lieu of the license so surrendered.~~

§ 1323 Surrender of expired, revoked or suspended license; loss or destruction of license.

(a) Any person to whom the Board issued a registration or license under this chapter shall surrender such registration or license and all duplicate copies which have expired, or been revoked, suspended or surrendered.

(b) Any person issued a registration or license by the Board that is lost or destroyed must inform the Section and at the discretion of the Director, a duplicate may be issued.

Section 23. Amend § 1326, Title 24 of the Delaware Code concerning Private Investigators and Private Security Agencies, by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

~~§ 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.~~

§ 1326 Identification card; offenses.

(a) For the purpose of identification of persons engaged in the conduct of a security guard or armored car guard, each such person shall carry and show when requested an identification card, which shall be issued by the Section. For the

purpose of identification of employees of a private security agency or armored car agency, upon examination of employee's statement and fingerprint cards, the Section shall furnish an identification card.

(b) No person licensed under this chapter or the officers shall wear, carry or accept any badge or shield purporting to indicate that such person is a security guard, armored car guard or that such person performs any such service, or may, while in uniform and while on the premises of the employer of the licensee where the security guard or armored car guard is so acting, wear a badge or shield inscribed by the specifications set forth in the rules and regulations of the Board.

(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 security guard, armored car guard or is engaged in the private security or armored car 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 Section:

(1) Upon termination of employment, unless for a security guard who transfers employment to another private security agency; or

(2) Upon suspension or revocation by the Board; or

(3) Upon emergency suspension by the Director.

(e) Identification cards approved by the Section shall expire and be renewable on the fifth anniversary of the date of birth of the applicant, next following the date of its issuance. If the date of birth is February 29, the identification card shall expire and be renewed on February 28 every fifth year, with the exception of the armored car identification cards which shall expire and be renewed every two years.

(f) The Section may refuse to renew an identification card for any grounds set forth in this chapter.

(g) A private investigative agency shall notify the Section within 10 days after the termination of employment or association of any identification card holder employed by the agency.

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

Section 24. Amend § 1327, Title 24 of the Delaware Code concerning Private Investigators and Private Security Agencies, by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

~~§ 1327 Insurance.~~

~~Any person who applies for a license to own or operate a private investigations company, private security agency or armored car agency shall file, with the Board, a surety bond and certificate of insurance in the amount set forth by the Board of Examiners.~~

§ 1327 Regulation of advertising.

(a) The Board shall promulgate such rules and regulations, upon notice to the public in general, as the Board deems necessary to avoid advertising techniques, cards or other forms of publication which will mislead the public as to any matter that relates to law enforcement. The Board shall further have the authority to order any business to comply with these rules and regulations.

(b) Failure to comply with any order of the Board pursuant to subsection (a) of this section shall be cause for suspension or revocation of the license.

Section 25. Amend § 1328, Title 24 of the Delaware Code concerning Private Investigators and Private Security Agencies, by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

~~§ 1328 License fee.~~

~~Any individual, firm, association, corporation or company may be charged an application fee as set forth by the Board of Examiners which shall not exceed $600 per year.~~

§ 1328 Enforcement of chapter; jurisdiction.

All police agencies and law-enforcement officers of this State may carry out this chapter and enforce compliance therewith. Justices of the Peace Courts shall have jurisdiction over violations under this chapter.

Section 26. Amend § 1329, Title 24 of the Delaware Code concerning Private Investigators and Private Security Agencies, by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

~~§ 1329 License requirements and submission of fingerprints.~~

~~(a) 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.~~

~~(b) 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.~~

~~(c) Event security staff working fewer than 28 days each calendar year shall not require a license.~~

§ 1329 Disciplinary Proceedings; appeal.

(a) Grounds. Subject to the provisions of this chapter, the Director pursuant to the authority of the Board may impose any of the following sanctions (subsection (b)) of this section singly or in combination when it finds a licensee or identification card holder is guilty of any offense described herein:

(1) Acting as a security guard, armored car guard or private investigator without an identification card; or

(2) Operating a private security agency, private investigative agency, or armored car agency without a license; or

(3) Failure to comply with firearms requirements pursuant to § 1321 of this chapter; or

(4) Obtaining criminal charges or convictions pursuant to §§ 1314, 1315, 1316, 1317, 1318, 1319, 1320 of this chapter; or

(5) Failure to comply with inspection and subpoena requests pursuant to § 1307 of this chapter; or

(6) Failure to notify the Professional Licensing Section of any arrests; or

(7) Failure to keep identification card, badge or shield on your person while in the performance of your specific duties; or

(8) Failing to surrender a suspended or revoked license, or identification card; or

(9) Submitting false or fraudulent information material to any application for a license or identification card; or

(10) Failure to abide by the Board's firearms certification and recertification training requirements; or

(11) Using a firearms instructor that has not been approved by the Board; or

(12) Violating any provision of this chapter or any rule or regulation promulgated by the Board.

(b) Disciplinary Sanctions.

(1) Permanently revoke a license, or identification card;

(2) Suspend a license or identification card;

(3) Issue a letter of reprimand;

(4) Refuse to issue a license, or identification card;

(5) Refuse to renew a license, or identification card;

(6) Issue an emergency suspension;

(7) Or otherwise discipline.

(c) Procedure.

(1) After receipt of written notice from the Section of the Director's denial, suspension, emergency suspension, or revocation of a license or identification card, the applicant or licensee shall be afforded a hearing before the Board.

(2) The accused may be represented by counsel who shall have the right of examination and cross examination.

(3) Testimony before the Board shall be under oath.

(4) A record of the hearing shall be made. At the request and expense of any party such record shall be transcribed with a copy to the other party.

(5) The decision of the Board shall be based upon sufficient legal evidence. If the charges are supported by such evidence, the Board may refuse to issue, or revoke or suspend a license or identification card, or otherwise discipline an individual. A suspended license or identification card may be reissued by Professional Licensing Section at the direction of the Board.

(d) All decisions of the Board shall be final and conclusive. Where the applicant, licensee or identification card holder is in disagreement with the action of the Board, the individual may appeal the Board's decision to the Secretary within 30 days of service or the postmarked date of the copy of the decision mailed to the individual. The appeal shall be on the record to the Secretary as provided in the Administrative Procedures Act §§ 10142-10145 of Title 29.

Section 27. Amend § 1330, Title 24 of the Delaware Code concerning Private Investigators and Private Security Agencies, by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

~~§ 1330 Posting of license; offenses; penalty.~~

~~(a) Before any applicant shall exercise any rights under the license issued to the applicant, such license, or a certified copy thereof, shall be posted and at all times thereafter while the same is in force be displayed in a conspicuous place in the principal office and in each bureau, agency, subagency, office or branch office for which it is issued.~~

~~(b) No person holding any license issued by the Superintendent under this chapter shall:~~

~~(1) Post or permit such license to be posted upon premises other than those described therein or to which it may be transferred pursuant to this chapter;~~

~~(2) Fail to maintain such license in a conspicuous place in such offices or places of business; or~~

~~(3) Knowingly alter, deface or destroy any such license or permit the alteration, defacement or destruction thereof.~~

§ 1330 Penalties.

(a) Whoever violates this chapter, except where another penalty is provided, shall be guilty of a misdemeanor and, if convicted, may be fined a civil or administrative penalty of not more than $10,000.

(1) Assessment of a civil or administrative penalty shall be determined by the nature, circumstances, extent and gravity of the violation, or violations, ability of the violator to pay, any prior history of such violations, the degree of culpability, economic benefit or savings (if any) resulting from the violation and such other matters as justice requires.

(2) In the event of nonpayment of the administrative penalty after all legal appeals have been exhausted, a civil action may be brought by the Board in any court of competent jurisdiction, including any Justice of the Peace Court, for collection of the administrative penalty, including interest, attorneys' fees and costs and the validity and appropriateness of such administrative penalty shall not be subject to review.

Section 28. Amend §§ 1331 through 1341, Title 24 of the Delaware Code concerning Private Investigators and Private Security Agencies, by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

~~§ 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.~~

~~§ 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.~~

~~§ 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.~~

~~§ 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 wilfully make a false report or statement to the employer in respect to any matter or thing connected with the employment.~~

~~§ 1335 Regulation of advertising.~~

~~(a) The Superintendent shall promulgate such rules and regulations, upon notice to the public in general, as the Superintendent deems necessary to avoid advertising techniques, cards or other forms of publication which will mislead the public as to any matter that relates to a private detective business. The Superintendent shall further have the authority to order any private detective business to comply with these rules and regulations.~~

~~(b) Failure to comply with any order of the Superintendent pursuant to subsection (a) of this section shall be cause for revocation of the license of the licensee.~~

~~§ 1336 Reciprocity; licenses under prior laws.~~

~~(a) Any person, firm, association or corporation incorporated or licensed under the laws of any other state of the United States and intending to conduct a private detective business or act as a private detective or investigator within this State shall file in the office of the Superintendent a written application duly signed and verified and obtain from the Superintendent a license as provided in this chapter and shall be subject to all the provisions of this chapter.~~

~~(b) Licenses issued under any other law of this State prior to June 20, 1955, authorizing the conduct of a private detective business or the business of a private detective or investigator, shall continue in force until the expiration thereof, but such licensees in all other respects shall be subject 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.~~

~~§ 1338 Enforcement of chapter; jurisdiction.~~

~~All police agencies and law-enforcement officers of this State may carry out this chapter and enforce compliance therewith. Justices of the Peace Courts shall have jurisdiction over violations under this chapter.~~

~~§ 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.~~

~~§ 1340 Reports of convictions for violations of this chapter.~~

~~Anyone licensed pursuant to § 1318, § 1319 or § 1320 of this title shall file a report with the Board of Examiners within 10 days of any conviction for a violation of any provision of this chapter of any employee licensed pursuant to this chapter.~~

~~§ 1341 Maintenance of office in state; manager; telephone listing.~~

~~Any licensee pursuant to § 1318, § 1319 or § 1320 of this title shall maintain an office within the State, which office shall be supervised by a manager licensed pursuant to this chapter. The office shall maintain a Delaware area code telephone listing through which an officer or employee of the licensee may be reached at any period in which the license is in effect.~~

SYNOPSIS

This Act provides greater clarity of language, condenses duplicative statutes and deletes statues that are irrelevant to daily operations of the Professional Licensing Section's regulation of private security, private investigative and armored car agencies.

Author: Senator Bushweller