



# State of New Hampshire

DEPARTMENT OF SAFETY  
OFFICE OF THE COMMISSIONER  
33 HAZEN DR. CONCORD, NH 03305  
603/271-2791

JOHN J. BARTHELMES  
COMMISSIONER

## ADOPTION OF SAF-C 2200, LICENSING OF PRIVATE DETECTIVES AND SECURITY GUARDS RULES

I, Commissioner John J. Barthelmes, hereby certify that the material enclosed is a true copy of Saf- 2200, Licensing of Private Detectives and Security Guards Rules adopted by me on June 19, 2009. These rules shall replace all rules of the same number and title.

The following editorial changes were made to the adopted rules:

Saf-C 2209.04(a)(3) – The word “or” was added at the end of the subparagraph;  
Saf-C 2209.04(a)(6) is renumbered as Saf-C 2209.04(a)(4);  
Saf-C 2209.04(e) is renumbered as Saf-C 2209.04(b); and  
Saf-C 2209.04(e)(5)-(8) is renumbered as Saf-C 2209.04(b)(1)-(4).

These rules shall become effective on the day of filing.

June 19, 2009

  
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John J. Barthelmes  
Commissioner  
New Hampshire Department of Safety

Adopt Saf-C 2200, previously effective April 17, 2005 (Doc. #8308) and expired October 14, 2005, to read as follows:

CHAPTER Saf-C 2200 LICENSING OF PRIVATE DETECTIVES AND SECURITY GUARDS

Statutory Authority: RSA 21-P:14, II, (d) and RSA 106-F:3, RSA 106-F:7, II, and RSA 106-F:8, III.

PART Saf-C 2201 DEFINITIONS

Saf-C 2201.01 "Applicant" means "applicant" as defined by RSA 106-F:4, I-a.

Saf-C 2201.02 "Armed private detective" means a private detective who carries a firearm while engaged in the performance of his/her duties as a private detective.

Saf-C 2201.03 "Armed security guard" means a security guard who carries a firearm while engaged in the performance of his/her duties as a security guard.

Saf-C 2201.04 "Commissioner" means the commissioner of the New Hampshire department of safety, or his designee.

Saf-C 2201.05 "Employee" means "employee" as defined by RSA 106-F:4, IV.

Saf-C 2201.06 "Private detective" means "private detective" as defined by RSA 106-F:4, I-b.

Saf-C 2201.07 "Private detective agency" means "private detective agency" as defined by RSA 106-F:4, II.

Saf-C 2201.08 "Security guard service" means "security guard service" as defined by RSA 106-F:4, III.

PART Saf-C 2202 APPLICATIONS

Saf-C 2202.01 Where Obtainable. Applications for licenses pursuant to these rules, shall be available by mail or in person at:

Licensing and Permits Section  
Division of State Police  
New Hampshire Department of Safety  
James H. Hayes Building  
33 Hazen Drive  
Concord, N.H. 03305.

PART Saf-C 2203 ORIGINAL LICENSE APPLICATION

Saf-C 2203.01 Application Form. Prior to licensing, applicants for private detective and/or security guard licensure shall complete the appropriate application form.

Saf-C 2203.02 Private Detective Individual or Security Guard Individual Form.

(a) In addition to the requirements of RSA 106-F:6, each applicant for licensure as a private detective or security guard shall complete form DSSP 259.

(b) An applicant shall provide an explanation on form DSSP 259 if the applicant has indicated affirmatively, that the applicant:

(1) Has ever been arrested for or convicted of a crime that has not been annulled by a court;

(2) Has ever been treated for a mental illness or an emotional disorder or confined to an institution;

(3) Is or has ever been a user of drugs or narcotics, excepting those under the direction of a doctor; or

(4) Has ever applied for or had a license for private detective or security guard, whether as an individual or as a member of a partnership or corporation, which has been denied, revoked or suspended in New Hampshire or any other state.

Saf-C 2203.03 Private Detective Agency or Security Guard Agency Form.

(a) In addition to the requirements of RSA 106-F:6, each applicant for licensure as a private detective agency or a security guard agency shall complete form DSSP 258.

(b) An applicant shall provide an explanation on form DSSP 258 if the applicant has indicated affirmatively, that the applicant:

(1) Has ever been arrested for or convicted of a crime that has not been annulled by a court;

(2) Has ever been treated for a mental illness or an emotional disorder or confined to an institution;

(3) Is or has ever been a user of drugs or narcotics, excepting those under the direction of a doctor; or

(4) Has ever applied for or had a license for private detective or security guard, whether as an individual or as a member of a partnership or corporation, which has been denied, revoked or suspended in New Hampshire or any other state.

Saf-C 2203.04 Private Detective Employee or Security Guard Employee Form.

(a) In addition to the requirements of RSA 106-F:6, each applicant for licensure as a private detective employee or a security guard employee shall complete DSSP 247.

(b) An applicant shall provide an explanation on form DSSP 247 the applicant has indicated affirmatively, that the applicant:

- (1) Has ever been arrested for or convicted of a crime that has not been annulled by a court;
- (2) Has ever been treated for a mental illness or an emotional disorder or confined to an institution;
- (3) Is or has ever been a user of drugs or narcotics, excepting those under the direction of a doctor; or

(4) Has ever applied for or had a license for private detective or security guard, whether as an individual or as a member of a partnership or corporation, which has been denied, revoked or suspended in New Hampshire or any other state.

Saf-C 2203.05 Unsworn Falsification Requirement. All applicants for forms DSSP 258, DSSP 259 and DSSP 247 shall state his/her name and address and execute the application form under penalty of unsworn falsification.

Saf-C 2203.06 Written Release. Any applicant who has been treated for mental illness, as defined by RSA 135- C:2, X, or emotional disorder shall be required to obtain a written statement from the individual's licensed health care practitioner that the individual is able to perform the duties and responsibilities of a private investigator or security guard, whichever is the applicable license the individual is applying for.

Saf-C 2203.07 Background Investigation.

- (a) Upon receipt of a completed application, the division shall conduct a background investigation into the character, competency and integrity of the applicant.
- (b) The background investigation shall include a criminal records check on each applicant. In addition, the division shall notify the local law enforcement agency in which the applicant resides as to the individual's application for a license.
- (c) If the criminal records check reveals that the applicant omitted or has any offenses or arrests that were not disclosed or made available to the division, or the division receives information that the individual is unsuitable for the license applied for, the division shall:
  - (1) Require a questionnaire to be filled out by the references disclosed by the applicant, pursuant to Saf-C 2203.08; and
  - (2) Require the applicant to submit to the division a letter of explanation as to why the information was not disclosed and as to an explanation of the circumstances surrounding the arrest or offense, as applicable.

Saf-C 2203.08 Questionnaire.

(a) If during the background investigation of the applicant a question arises about the applicant's character or integrity, the commissioner shall send each of the named references on the application a questionnaire.

(b) The questionnaire shall request the recipient:

(1) To rate the applicant on the following traits:

- a. Character;
- b. Integrity; and
- c. Reputation; and

(2) Indicate as to whether s/he know of any reason why the applicant should not be issued a license.

(c) If the recipient makes an indication as to the affirmative in response to the question in (b)(2) above, the recipient shall be requested to provide an explanation.

(d) The rating scale, referred to in (b)(1) above, shall be as follows:

- (1) Excellent;
- (2) Good;
- (3) Fair; or
- (4) Poor.

#### Saf-C 2203.09 Issuance of License.

(a) The commissioner shall issue a license pursuant to the procedures set forth in RSA 106-F:7, I and upon the applicant providing certified evidence that the surety bond, pursuant to RSA 106-F:9 and Saf-C 2208, is in force .

(b) Notwithstanding any rule to the contrary and pursuant to RSA 106-F:2-a, no sworn law enforcement officer employed by the state of New Hampshire or any of its political subdivisions, shall be issued or hold a private detective's license.

#### PART Saf-C 2204 RENEWAL OF LICENSE

##### Saf-C 2204.01 Application.

(a) Applicants for renewal of licenses for private detective and/or security guard shall submit the applicable license renewal application.

(b) Pursuant to RSA 106-F:8, all applications for renewal shall be submitted at least 15 days before the expiration of the previously granted license.

##### Saf-C 2204.02 Renewal Application for Individual or Employee License.

(a) An applicant for a renewal license for security guard individual or employee or private detective individual or employee shall complete form DSSP 157.

(b) If an applicant answers affirmatively as to whether the applicant has been arrested for any crime, the applicant shall provide details of the arrest on form DSSP 157.

Saf-C 2204.03 Renewal Application for Agency License.

(a) An applicant for a renewal license for security guard agency or private detective agency shall complete form DSSP 221.

(b) The person making application for the agency shall provide a detailed explanation on form DSSP 221 if the person answers affirmatively as to whether the person making application for the agency has been arrested.

Saf-C 2204.04 Late Applicants. Any renewal application received later than the time period set forth in Saf-C 2204.01(b), shall be returned to the applicant. In order to receive a license, the applicant shall complete the application procedure for an original license, as set forth in Saf-C 2203.

Saf-C 2204.05 Date of Renewal Licenses. Renewal licenses shall be dated from the date of expiration of the previously granted license.

PART Saf-C 2205 FEES

Saf-C 2205.01 Fingerprint Check Fee. In addition to any other fees required by statute, all applicants for a private detective or security guard license, who intend to be armed as such, shall pay the fee as set forth in Saf-C 5703.13 and Saf-C 5704.06, at the time of application to cover the expenses of fingerprint check using files maintained by the federal bureau of investigation.

Saf-C 2205.02 Record Check Fee. In addition to any other fees required by statute, all applicants for a private detective or security guard license shall pay a fee as set forth in Saf-C 5703.06, at the time of application to cover the expenses of a state criminal record check.

Saf-C 2205.03 Background Investigation Fee. In addition to any other fees required by statute or rule, pursuant to RSA 106-F:8, III, an applicant shall pay a fee of \$10.00 for expenses of the investigation conducted by the division.

Saf-C 2205.04. License Fees. Pursuant to RSA 106-F:8, the following fees shall collected upon making application for:

- (a) Private detective agency license or security guard license employing one person licensed under RSA 106-F, \$100.00;
- (b) Private detective agency license or security guard license employing more than one person licensed under RSA 106-F, \$400.00;
- (c) Employee, \$5.00.

Saf-C 2205.06 Duplicate Identification Cards. The department shall charge a licensee or license holder a fee of \$3.00 for a duplicate identification card.

## PART Saf-C 2206 FIREARM PROFICIENCY

Saf-C 2206.01 Time Requirement. All armed security guards and armed private detectives shall meet the firearm proficiency requirements of RSA 106-F:8-a at least once a year.

Saf-C 2206.02 Failure. Failure to meet the proficiency requirements shall not prevent a person from being licensed as an unarmed guard, unarmed private detective, or both, during the time period that the person's license to work as an armed guard and/or private detective is under suspension.

Saf-C 2206.03 Firearm Proficiency Certification.

(a) As evidence of meeting the firearms proficiency requirement, all armed security guards and armed private detectives shall provide the department with a completed and original firearms proficiency certificate form, DSSP 158.

(b) Except as provided in (c) and (d) below, form DSSP 158 shall be completed by a qualified firearms instructor as defined by RSA 106-F:8-a.

(c) The applicant/individual shall provide:

- (1) His/her signature and date thereof on form DSSP 158; and
- (2) Positive identification to the firearms instructor at the time of qualification, such as:
  - a. A driver's license;
  - b. A security guard or private detective identification card; or
  - c. A photo identification card.

(d) The individual/applicant may complete (c)(1) through (4) only on form DSSP 158, relative to providing the individual/applicant's:

- (1) Name and date of birth;
- (2) Address;
- (3) Name and address of present employer; and
- (4) Position at his/her place of employment.

(e) A handgun qualification course shall include:

- (1) Shooting 12 rounds at 7 yards within 25 seconds;
- (2) Shooting 12 rounds at 15 yards within 30 seconds;
- (3) From a distance of 15 yards, shooting 6 rounds with the weak hand, swapping the handgun to the strong hand and shooting 6 more rounds all within 35 seconds;

(4) From a distance of 25 yards, shooting 6 rounds from the left side of a barricade and 6 more rounds from the right side of a barricade all within 90 seconds; and

(5) From a distance of 25 yards, shooting 6 rounds while standing and holding the handgun with the strong hand, non-supported, within 12 seconds.

(f) The shotgun familiarization course shall be required of all armed security guards whose employers issue or have as part of their equipment shotguns.

(g) Any individual/applicant who meets the firearms proficiency certification by completing a course approved by the New Hampshire police standards and training council, pursuant to Pol 404.03, shall submit a copy of the course with form DSSP 158.

#### PART Saf-C 2207 IDENTIFICATION CARDS

Saf-C 2207.01 Issuance of Identification Cards. All private detectives and security guards, whether licensed as individuals or employees, shall be issued identification cards by the department.

##### Saf-C 2207.02 Identification Cards.

(a) All identification cards shall be approximately 2" x 3" in size.

(b) The identification card shall display a computer generated image of the licensee and his/her signature.

(c) The following shall be displayed on the identification card:

(1) The license number and date of expiration;

(2) The type of license issued;

(3) The name of the employer if the licensee is an employee;

(4) The licensee's:

a. Date of birth;

b. Height;

c. Sex;

d. Weight;

e. Color of hair; and

f. Color of eyes; and

(5) The signature of the director of state police.

- (d) If the licensee is an individual, the identification card shall so indicate in the space provided for the name of the employer.

PART Saf-C 2208 SURETY BOND

Saf-C 2208.01 Bond Required.

- (a) Pursuant to Saf-C 106-F:9, no license shall be issued until such time as the division has on file certified evidence that a surety bond is in force.
- (b) A surety bond required by this chapter shall state that prior to canceling or the expiration of the surety, the surety shall notify the division by giving 30 days written notice, to be sent certified mail.
- (c) The surety shall be issued and remain in force for the term of the license.
- (d) The principal sum of the bond shall be \$50,000, and increased by \$50,000 for each additional type of license held by any person.

PART Saf-C 2209 DENIAL, SUSPENSION AND REVOCATION

Saf-C 2209.01 Notice of Change. In addition to the penalty provisions of RSA 106-F:16, failure to notify the commissioner of the discharge or termination of any licensed employee, or the change in 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 the location of such business, as required in RSA 106-F:12, shall be cause for the suspension of a license.

Saf-C 2209.02 Denial.

- (a) The commissioner shall deny an application, if the applicant:
- (1) Makes a material misstatement in a license application or application for license renewal, pursuant to RSA 106-F:14, I (c);
  - (2) Has a felony conviction;
  - (3) Has a record of a violent misdemeanor;
  - (4) Has a record of a conviction involving theft, fraud, deceit or misrepresentation; or
  - (5) Committed any act which, if committed by a licensee, would be grounds for suspension or revocation under this chapter or RSA 106-F.
- (b) For the purposes of (a)(1) above, incorrect information on the following subjects shall be considered material misstatement:
- (1) Whether the applicant has ever been arrested for or convicted of a crime that has not been annulled by a court;

- (2) Whether the applicant has ever been treated for a mental illness or an emotional disorder or confined to an institution;
  - (3) Whether the applicant has ever been a user of drugs or narcotics, excepting those under the direction of a health practitioner; or
  - (4) Whether the applicant has ever applied for a license for private detective or security guard, whether as an individual or as a member of a partnership or corporation, which has been denied, revoked or suspended in New Hampshire or any other state.
- (c) Pursuant to RSA 106-F:7, IV, the commissioner shall notify an applicant of an application denial in writing, and the reasons for the denial. An applicant may request a hearing on the denial within 15 calendar days of receipt of the notice of denial. A request for a hearing shall be made by contacting:

Bureau of Hearings  
 Department of Safety  
 33 Hazen Drive  
 Concord, NH 03305

- (d) Not later than 30 days following receipt of a timely request for a hearing, the department shall hold a hearing on the denial. The applicant shall be notified of the time, date and place of the hearing in writing.

Saf-C 2209.03 Suspension.

- (a) Upon showing of just cause that a license be suspended, the commissioner shall suspend such license for a period not to exceed 60 days after a hearing.
- (b) Just cause shall include, but is not limited to:
- (1) Failure to notify the commissioner of any of the changes set forth pursuant to Saf-C 2209.01 or RSA 106-F:12;
  - (2) Any acts contrary to state law or these rules; or
  - (3) Failure to immediately report a felony, observed or discovered.

Saf-C 2209.04 Revocation.

- (a) The commissioner shall revoke a license, after a hearing, if the licensee:
- (1) Makes a material misstatement in a license application or application for license renewal, pursuant to RSA 106-F:14, I (c);
  - (2) Has a felony conviction;
  - (3) Has a record of a violent misdemeanor; or
  - (4) Has a record of a conviction involving theft, fraud, deceit or misrepresentation.

(b) For the purposes of (a)(1) above, incorrect information on the following subjects shall be considered material misstatement:

- (1) Whether the applicant has ever been arrested for or convicted of a crime that has not been annulled by a court;
- (2) Whether the applicant has ever been treated for a mental illness or an emotional disorder or confined to an institution;
- (3) Whether the applicant has ever been a user of drugs or narcotics, excepting those under the direction of a health practitioner; or
- (4) Whether the applicant has ever applied for a license for private detective or security guard, whether as an individual or as a member of a partnership or corporation, which has been denied, revoked or suspended in New Hampshire or any other state.

(c) When a license has been revoked by the commissioner, the licensee shall be ineligible to apply for a license for one year from date of revocation.

Saf-C 2209.05 Emergency Suspension or Revocation.

(a) The commissioner shall suspend or revoke a license without a hearing if pursuant to RSA 541-A:30, III, it is determined that public health, safety or welfare requires emergency action.

(b) The licensee shall be notified of his/her right to a hearing within 10 days to determine if his/her suspension or revocation shall remain in effect.

Saf-C 2209.06 Notification to Clients of Suspension or Revocation or License.

(a) Pursuant to RSA 106-F:14, II, unless a license revocation or suspension is appealed, the licensee shall immediately notify all its clients of such revocation or suspension.

(b) The licensee shall forward a copy of each such notification to the commissioner within 30 days of notification to the client.

Saf-C 2209.07 Procedures for Hearings. All hearings conducted under this chapter shall be in accordance with the department's administrative procedural and hearing rules, Saf-C 200.

**APPENDIX**

<b>Rule Number</b>	<b>Statute Implemented</b>
Saf-C 2201	RSA 541-A:7
Saf-C 2202	RSA 106-F:6
Saf-C 2203.01 – 2203.05	RSA 106-F:6
Saf-C 2203.06 – 2203.08	RSA 106-F:6 & 106-F:7, I
Saf-C 2203.09(a)	RSA 106-F:7, I and RSA 106-F:9
Saf-C 2203.09(b)	RSA 106-F:2-a
Saf-C 2204.01	RSA 106-F:7, III & 106-F:8, I
Saf-C 2204.02	RSA 106-F:7, III & 106-F:8, I
Saf-C 2204.03	RSA 106-F:7, III & 106-F:8, I
Saf-C 2204.04 – 2204.05	RSA 106-F:7, III & 106-F:8, I
Saf-C 2205.01	RSA 106-F:7, I
Saf-C 2205.02 – 2205.03	RSA 106-F:7, I & RSA 106-F:8, III
Saf-C 2205.04(a)-(b)	RSA 106-F:8, I
Saf-C 2205.04(c)	RSA 106-F:8, II
Saf-C 2206.01-2206.03(b)	RSA 106-F:8-a
Saf-C 2206.03(c) – (f)	RSA 541-A:16, I(b)(1)
Saf-C 2206.03(g) – (i)	RSA 106-F:8-a
Saf-C 2207	RSA 106-F:7, II
Saf-C 2208	RSA 106-F:9
Saf-C 2209.01	RSA 106-F:12
Saf-C 2209.02	RSA 106-F:7 & RSA 106-F:14
Saf-C 2209.03 – 2209.04	RSA 106-F:14 and RSA 541-A:30, II
Saf-C 2209.05	RSA 541-A:30, III
Saf-C 2209.06	RSA 106-F:14, II
Saf-C 2209.07	RSA 541-A:30 and RSA 541-A:30-a