

NOTICE OF TEXT [Authority G.S. 150B-21.2(c)]

<u>OAH</u>	USE	ONLY

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:
Notice with a scheduled hearing
☐ Notice without a scheduled hearing
Republication of text. Complete the following cite for the volume issue and date of prayions publication as a literature of pr
Provious and the fig. if a nearing is scheduled, complete block 6.
Previous publication of text was published in Volume: Issue:
1. Rule-Making Agency: Criminal Justice Education and Training Standards Commission
2. Agency obtained G.S. 150B-19.1 certification:
SBM certified on:
RRC certified on: 6/19/2013
☐ Not Required
3. Agency website postings:
• Text of proposed rule posted at: http://ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-
Justice-Education-and-Training-Standards/Forms-and-Publications.aspx
• Explanation and reason for proposed rule posted at: http://ncdoi.gov/About-DOJ/Law-Enforcement-Training-and-
Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and-Publications.aspx
Federal Certification posted at: http://ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-
Justice-Education-and-Training-Standards/Forms-and-Publications.aspx
• Instructions for oral and written comments posted at: http://ncdoj.gov/About-DOJ/Law-Enforcement-Training-
and-Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and-Publications.aspx
• Fiscal Note if prepared posted at: http://ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-
Justice-Education-and-Training-Standards/Forms-and-Publications.aspx
4. Proposed Action Check the appropriate box(es) and list rule citation(s) beside proposed action:
□ ADOPTION:
AMENDMENT: 12 NCAC 00E 0104: 12 NCAC 00E 0107: 10 NCAC 00E 00
AMENDMENT: 12 NCAC 09E .0104; 12 NCAC 09F .0107; 12 NCAC 09B .0241; 12 NCAC 09G .0415; 12 NCAC 09G .0416
12 110110 070 .0110
REPEAL:
5. Proposed effective date: 2/1/2014
6. Is a public hearing planned? Yes No
If yes: Public Hearing date: 11/21/2013 Public Hearing time: 1:00 p.m.
Public Hearing Location: Wake Technical Community College - 321 Chapanoke Drive, Raleigh, NC 27602
7. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

8. Explain Reason For Proposed Rule(s): Streamline in	-service topic of choice delivery; increase data processing fee for	
concealed carry handgun certificates; revise titles for Division of Juvenile Justice and Division of Adult Correction courses.		
	,	
Reason For Proposed Rule(s) cont.:		
P. C. L. C. L. C. C. L. C.		
Procedure for Subjecting a Proposed Rule to Legislative	e Review: If an objection is not resolved prior to the adoption of the rule,	
and signed objections in accordance with G.S. 150B 21.20	Review Commission. If the Rules Review Commission receives written	
and the Rules Review Commission approves the rule th	b2) from 10 or more persons clearly requesting review by the legislature are rule will become effective as provided in G.S. 150B-21.3(b1). The	
Commission will receive written objections until 5:00 p.m	1. On the day following the day the Commission approves the rule. The	
Commission will receive those objections by mail, delive	ery service, hand delivery or facsimile transmission. If you have any	
further questions concerning the submission of objections	to the Commission, please call a Commission staff attorney at 919-431-	
3000.		
9. The person to whom written comments may be submi Name: Trevor Allen	itted on the proposed rule:	
Address: 1700 Tryon Park Drive		
Raleigh, NC 27602		
1. mioign, 110 2/1002		
Phone (optional): (919) 779-8211		
Fax (optional): (919) 779-8210		
E-Mail (optional): tjallen@ncdoj.gov		
10. Comment Period Ends: 11/21/2013		
11. Fiscal impact (check all that apply).		
If this form contains rules that have different fiscal in	mpacts, list the rule citations beside the appropriate impact.	
. <u></u>	., .	
State funds affected Fryironmental permitting of DOT affected		
 Environmental permitting of DOT affected Analysis submitted to Board of Transportation 		
Local funds affected		
Date submitted to OSBM:		
Substantial economic impact (≥\$500,000)		
Approved by OSBM		
No fiscal note required by G.S. 150B-21.4		
12. Rule-making Coordinator: Trevor Allen	13. The Agency formally proposed the text of this rule(s) on	
	Date: 6/19/2013	
4.1.1 4800 m		
Address: 1700 Tryon Park Drive	14. Signature of Agency Head* or Rule-making Coordinator:	
Raleigh, NC 27602		
Phone: (919) 779-8211	*If this function has been delegated (reassigned) pursuant to	
E-Mail: tjallen@ncdoj.gov	G.S./143B-10(a), submit a copy of the delegation with this form.	

Agency contact, if any: Trevor Allen

Phone: (919) 779-8211

E-mail: tjallen@ncdoj.gov

Typed Name: Trevor Allen

Title: Research and Planning Specialist

12 NCAC 09E .0104 is proposed for amendment as follows:

12 NCAC 09E .0104 INSTRUCTORS: ANNUAL IN-SERVICE TRAINING

The following requirements and responsibilities are hereby established for instructors who conduct the law enforcement officers' annual in-service training program:

- The instructor shall hold Instructor Certification issued by the Commission as outlined in 12 NCAC 09B .0302, 09B .0304, and 09B .0306, except for instructors delivering Incident Command System training for NIMS (National Incident Management System) compliance. Those instructors must be certified through FEMA (Federal Emergency Management Agency) as Incident Command Instructors. delivering CPR certifications that include cognitive and skills testing, use of equipment training conducted by a manufacturer, manufacturer's representative or a service provider and documented through a certificate of completion, or include Incident Command System training for NIMS (National Incident Management System) compliance who are certified through FEMA (Federal Emergency Management Agency) as Incident Command Instructors. In addition, each instructor certified by the Commission to teach in a Commission-certified course shall remain competent in his or her specific or specialty areas. Such competence includes remaining current in the instructor's area of expertise, which may be demonstrated by attending and successfully completing all instructor updates issued by the Commission.
- (2) Instructors who teach a required in-service training topic must achieve a passing grade on a topic specific test developed by the North Carolina Justice Academy or by the agency delivering the training. Instructors who teach a required in-service training topic online, in addition to meeting the above testing requirement, must also complete the in-service training for the topic he or she will be teaching. Instructors who teach an in-service training topic in a traditional classroom format will receive credit toward their own in-service training requirements, provided that they pass all required tests and have their instruction documented by the department head or in-service training coordinator once completed.
- (3) The instructor shall deliver the training consistent with the specifications as established in Rules 09E .0105 and .0106.
- (4) The instructor shall report the successful or unsuccessful completion of training for each officer to the Department head. Such reporting shall be on a Commission form.
- (5) Where the officer fails to qualify with a weapon, the instructor shall inform the officer that the officer did not qualify and the instructor shall deliver a Commission form to the officer which shall be signed by the officer. This form shall instruct the officer not to use the weapon and shall require the officer to notify the Department head or designated representative within 24 hours of the failure to qualify. The instructor shall personally deliver this form or send the form by certified mail to the Department head or designated representative within 72 hours of the failure to qualify.

History Note:

Authority G.S. 17C-6; 17C-10;

Eff. July 1, 1989;

Amended Eff. February 1, 2013; April 1, 2008; January 1, 2006; January 1, 2005.

1	12 NCAC 09F .	0107 IS PROPOSED FOR AMENDMENT AS FOLLOWS:
2	12 NCAC 09F	.0107 FILING AND FEES
3	(a) Each instru	actor of an approved course shall file a copy of the firearms course description, outline, and proof or
4	instructor certif	ication annually, or upon modification of the course if more frequently, with the Commission. A fee of
5	fifty dollars (\$5	0.00) shall be submitted for the initial and annual filing of a course. If modification of the course occurs
6	before the renev	wal filing date, a fee of twenty-five dollars (\$25.00) shall be charged.
7	(b) Instructors	shall, in writing, request the number of certificates needed and shall remit a fee of one dollar (\$1.00) two
8		per certificate with a minimum request of 25 certificates per instructor. Certificates may be obtained a
9	the office of the	agency: Requests for certificates shall be sent to:
10		Criminal Justice Standards Division
11		North Carolina Department of Justice
12		114 West Edenton Street
13		Old Education Building
14		1700 Tryon Park Drive
15		Post Office Drawer 149
16		Raleigh, North Carolina 27602
17	All such fees sh	all be paid by certified check made payable to the North Carolina Department of Justice.
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19	History Note:	Temporary Adoption Eff. November 1, 1995;
20		Authority G.S. 14-415.12; 1995 S.L., c. 507 s. 22; G.S. 150B-19(5)
21		Eff. May 1, 1996;
22		Amended Eff. November 1, 1998.
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1 12 NCAC 09B .0241 is proposed for amendment as follows: 2 12 NCAC 09B .0241 **DJJDP JUVENILE JUSTICE SPECIALIZED INSTRUCTOR TRAINING -**3 RESTRAINT, CONTROL AND DEFENSE TECHNIQUES RESTRAINTS, 4 CONTROLS AND DEFENSIVE TECHNIQUES 5 (a) The instructor training course requirement for the Department of Juvenile Justice and Delinquency Prevention (DJJDP) Public Safety, Division of Juvenile Justice specialized Restraint, Control and Defense Restraints, Controls and 6 7 <u>Defensive</u> Techniques Instructor certification shall consist of at least 70 hours of instruction presented during a 8 continuous period of not more than two weeks. 9 (b) Each DJJDP Juvenile Justice specialized Restraint, Control and Defense Techniques Instructor training Specialized 10 Instructor Training - Restraints, Controls and Defensive Techniques course shall be designed to provide the trainee with 11 the skills and knowledge to perform the function of a criminal justice Restraint, Control and Defense the Juvenile Justice 12 Restraints, Controls and Defensive Techniques Instructor in the "Basic Training for Juvenile Justice Officers" course and the "Basic Training for Juvenile and Chief Court Counselors" courses, as well as in-service training courses for juvenile 13 14 justice officers and juvenile and chief court counselors. (c) Each applicant for specialized Restraint, Control and Defense Techniques Instructor training Specialized Instructor 15 16 Training – Restraints, Controls and Defensive Techniques shall: 17 (1)Have completed the criminal justice general instructor training course; and 18 Possess a valid CPR certification that includes cognitive and skills testing. (2)19 (d) Each DJJDP specialized Restraint, Control and Defense Techniques Instructor training Juvenile Justice Specialized 20 Instructor Training – Restraints, Controls and Defensive Techniques course shall include the following identified topical areas and minimum instructional hours for each area: areas: 21 22 (1)Orientation 1 Hour 23 Skills Pre Test (2)1 Hour 24 (3)Physical Assessment 4 Hours 25 (4) Safety Guidelines 2 Hours Physical Fitness and Conducting Safe Warm Up Exercises 12 Hours 26 (5)27 Fundamentals of Professional Liability for Criminal Justice Instructors (6)4 Hours 2 Hours 28 (7) Restraint, Control and Defense Techniques Instructor Guidelines 29 (8) Restraint, Control and Defense Techniques Practical Skills and Instructional Methods 28 Hours 30 (9) Practical Skills Enhancement 4 Hours 31 (10)RCDT Instructional Practicum 4 Hours 32 (11)Practical Skills Evaluation 4 Hours 33 Comprehensive Examination/Course Closing 2 Hours 34 Orientation; (1) 35 Introduction to Restraints, Controls and Defensive techniques; (2) Physical Fitness/Warm-Up and Stretching Exercises; 36 (3)

- (4) Response to Injury;
- Restraints, Controls and Defensive Techniques Basic Techniques; (5)
- Restraint Applications; and (6)
- **RCDT Program Student Evaluation and Testing** (7)

(e) The Commission-certified schools school that are is certified to offer the DJJDP "Specialized Restraint, Control and Defense Techniques Instructor" Juvenile Justice Specialized Instructor Training - Restraints, Controls and Defensive Techniques course are: The is the Office of Staff Development and Training Unit of the North Carolina Department of Juvenile Justice and Delinquency Prevention. Public Safety.

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History Note: Authority G.S. 17C-2; 17C-6; 17C-10;

Eff. December 1, 2004.

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      12 NCAC 09G .0415 is proposed for amendment as follows:
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      12 NCAC 09G .0415
                                CORRECTIONS SPECIALIZED INSTRUCTOR TRAINING - FIREARMS
 3
      (a) The instructor training course requirement for corrections specialized firearms instructor Corrections Specialized
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      <u>Instructor Training – Firearms</u> certification shall consist of at least 80 hours of instruction presented during a continuous
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      period of not more than two weeks.
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      (b) Each corrections specialized firearms instructor training Corrections Specialized Instructor – Firearms course shall be
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      designed to provide the trainee with the skills and knowledge to perform the function of a corrections firearms instructor
 8
      in the "Basic Training-Correctional Officer" course, "Basic Training-Probation/Parole Officer" course, "Basic
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      Training-Probation/Parole Officer-Intermediate" course, and in-service training courses for correctional officers, PERT
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      teams, and probation/parole officers intermediate. officers and probation/parole officers.
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      (c) Each corrections specialized firearms instructor training course shall include the following topical areas:
12
               (1) Overview;
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                        (A) (1) Course Overview;
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                        (B) (2) Legal Considerations for Firearm Instructors;
                        (C) (3) Department of Correction Public Safety, Division of Adult Corrections Firearms Training
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                                Courses;
               (2) (4) Firearms Safety;
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                        Range Operations;
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               \frac{(3)}{(5)}
                        Medical Emergencies on the Range;
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               (4) (6)
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               <del>(5)</del> <u>(7)</u>
                       Handgun - Operation, Use and Maintenance;
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                                Handgun Training-Classroom and Range;
22
                                Standard Handgun Courses of Fire Range
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                        (C) (B) Introduction to Low/Limited Light (LLL) Fire-Classroom and Range Handgun Low/Limited
24
                                Light Fire:
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                        (D) (C) Handgun Care and Maintenance;
                        Advanced Handgun Training: Training – Classroom and Range;
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               <del>(6)</del> <u>(8)</u>
27
                        (A) Advanced Handgun Training Classroom
                        (B) Advanced Handgun Courses of Fire Range
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                        Handgun Night Firing;
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                        Handgun Low/Limited Light Fire Classroom and Range
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                        Rifle Training and Qualification;
32
                        (A) Rifle Training Classroom
33
                        (B) Rifle Training Range
                        (C) Rifle Qualification and Low/Limited Light Fire Familiarization Course - Range
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               (9)
                        Shotgun Training and Qualification; Operation, Use and Maintenance;
36
                                Shotgun Training - Classroom and Range;
                        (A)
                                Shotgun Training Range
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                        (C) (B) Shotgun Low/Limited Light Fire – Range;
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               (10) (C) Maintenance and Repair of Rifles and Shotguns; Shotgun Care and Maintenance;
               (11)(10) Special Techniques, Training Aids, and Methods;
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                        Special Techniques for the Reluctant/Frightened Shooter
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                        Chemical Weapons;
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                        Chemical Agents, Equipment, Tactics and Storage
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               (13)(11) Situational Use of Firearms;
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                                The Shooting Decision;
                        (A)
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                        (B)
                                Situational Use of Firearms:
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                        (C)
                                Situational Exercises – Day;
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                                Situational Exercises – Low/Limited Light;
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               (14)(12) Administrative Matters, Testing, and Evaluation:
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      (d) The Commission-accredited schools school that are accredited is certified to offer the "Corrections Specialized
      Instructor Training - Firearms" course are: The is the Office of Staff Development and Training of the North Carolina
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      Department of Correction. of Public Safety.
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                        Authority G.S. 17C-6;
      History Note:
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                        Temporary Adoption Eff. January 1, 2001;
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12 NCAC 09G .0416 is proposed for amendment as follows:

12 NCAC 09G .0416 CORRECTIONS SPECIALIZED INSTRUCTOR TRAINING - CONTROLS, RESTRAINTS, AND DEFENSIVE TECHNIQUES

- (a) The instructor training course requirement for corrections specialized controls, restraints, and defensive techniques (CRDT) instructor certification shall consist of at least 80 hours of instruction presented during a continuous period of not more than two weeks.
- (b) Each corrections specialized controls, restraints, and defensive techniques instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a corrections controls, restraints, and defensive techniques instructor in the "Basic Training-Correctional Officer" course, "Basic Training-Probation/Parole Officer" eourse, "Basic Training-Probation/Parole Officer-Intermediate" course, and in-service training courses for correctional officers, PERT teams, probation/parole officer intermediate, and all Department of Juvenile Justice and Delinquency Prevention unarmed self defense courses. course, and in-service training courses for correctional officers and probation/parole officers.
- 14 (c) Each corrections specialized controls, restraints, and defensive techniques instructor training course shall include the following topical areas:
 - (1) Introduction to Controls, Restraints, and Defensive Techniques;
 - (2) Patterns of Movement; Physical Fitness/Warm-up and Stretching;
 - (3) Response to Injury;
 - (4) Basic Controls and Techniques;
 - (5) Advanced Controls and Techniques;
 - (6) Restraint Applications; Applications; and
 - (7) Program Evaluation; and CRDT Program Student Evaluations and Testing.
 - (8) Advanced Instructional Techniques.
 - (d) <u>The Commission-certified schools school</u> that <u>are is certified to offer the "Corrections Specialized Instructor Training/Controls, Restraints, and Defensive Techniques" course <u>are: The is the Office of Staff Development and Training of the North Carolina Department of Correction.</u> Public Safety.</u>

2728 History Note:

Authority G.S. 17C-6;

Temporary Adoption Eff. January 1, 2001;

Eff. August 1, 2002;

31 *Amended Eff. November 1, 2005; August 1, 2004.*

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