Proposed Rule Amendments

Public Hearing:

May 21, 2014 – 10:30 am
Wake Technical Community College
Public Safety Training Center
321 Chapanoke Rd.
Raleigh, NC 27502

Instructions for Oral and Written Comments: The objection, reasons for the objection, and the clearly identified portion of the rule to which the objection pertains, must be submitted in writing to:

Trevor Allen
Department of Justice
Criminal Justice Standards Division
PO Drawer 149
Raleigh, NC 27602.

Title:	**Rule Repeals**
Agency:	Department of Justice, Criminal Justice Standards Division
Contact:	Trevor Allen (919) 779-8211
Impact Summary:	State Government: No Local Government: No (minimal) Substantial Impact: No Small Business: No

12 NCAC 09A .0108: APPLICABILITY OF RADAR/TDS STANDARDS PRE 7/1/82
12 NCAC 09B .0311: CERTIFIED INSTRUCTORS PRE 7/1/82
12 NCAC 09C .0217: APPLICATION FOR LAW ENFORCEMENT EMPLOYMENT
12 NCAC 09C .0218: FORM ORDER BLANK
12 NCAC 09C .0220: ACQUISITION OF FORMS

 Statutory authority for the rule change: G.S. 17C-6; 150B-11

 Amendment: The Criminal Justice Education and Standards Commission voted to repeal rules 9A .0108 and 9B .0311 as they no longer apply to current standards. The Commission voted to repeal rules 9B .0217, .0218 and .0220, which detail the process for ordering forms from, and submitting forms to, the Criminal Justice Standards Division. These forms are now available on the agency's website, rendering the rules unnecessary.

 State Impact: None

 Local Government Impact: None

 Substantial Economic Impact: No

 Small Business Impact: No

See Rules beginning on next page.

12 NCAC 09A .0108 APPLICABILITY OF RADAR/TDS STANDARDS PRE 7/1/82

~~(a) The Commission takes official notice that minimum standards and levels of training for certification and recertification of operators and instructors for training programs in radio microwave and other electronic speed measuring instruments have been established by the Commission through rule making. Additionally, many law enforcement officers have met such standards and have been certified as operators and instructors.~~

~~(b) The standards in this Rule and levels of training are in form and substance the same as required by G.S. 17C-6(a)(11)(12) and (13) and 6(d).~~

~~(c) Any law enforcement officer who has met these standards and has been certified prior to July 1, 1982, has met the standards in effect as of July 1, 1982, shall be subject to all terms and conditions for recertification, supplementary training and discipline that apply to such certification.~~

~~(d) The Commission takes official notice that, by operation of law and formal rule-making by the Commission, all standards, levels of training, approved equipment, testing procedures and other rules pertaining to the use of radio microwave and other electronic speed measuring instruments, currently embodied within the rules of the Commission (12 NCAC 9A, 9B and 9C) are mandatory.~~

History Note: Authority G.S. 17C-6;
Eff. July 1, 1982.

12 NCAC 09B .0311 CERTIFIED INSTRUCTORS PRE 7/1/82

~~Any radar or radar and time-distance instructors certified pursuant to standards in effect between November 1, 1981 and July 1, 1982 shall continue to hold certification with full force and effect. The terms and conditions of 12 NCAC 9B .0310 shall apply to these instructors.~~

History Note: Authority G.S. 17C-6;
Eff. July 1, 1982;
Amended Eff. April 1, 1999.

12 NCAC 09C .0217 APPLICATION FOR LAW ENFORCEMENT EMPLOYMENT

~~The Application for Law Enforcement Employment is a card suitable for use by law enforcement agencies for preliminary screening of new applicants for employment and for documenting the applicant's submission of required documentation.~~

History Note: Authority G.S. 17C-6; 150B-11;
Eff. January 1, 1981.

12 NCAC 09C .0218 FORM ORDER BLANK

~~The Form Order Blank, is a means by which an agency may order copies of forms described in this Section.~~

History Note: Authority G.S. 17C-6; 150B-11;
Eff. January 1, 1981.

12 NCAC 09C .0220 ACQUISITION OF FORMS

~~All forms described in this Section may be obtained by forwarding a request by letter or by using the Form Order Blank to the Standards Division at P.O. Drawer 149, Raleigh, North Carolina 27602.~~

History Note: Authority G.S. 17C-6; 150B-11;
Eff. January 1, 1981.

Title:	**Concealed Carry Handgun Training Topics**
Agency:	Department of Justice, Criminal Justice Standards Division
Contact:	Trevor Allen (919) 779-8211
Impact Summary:	State Government: No Local Government: No (minimal) Substantial Impact: No Small Business: No

12 NCAC 09F .0102: TOPICAL AREAS

 Statutory authority for the rule change: G.S. 14-415.12

 Amendment: The Criminal Justice Education and Training Standards Commission voted to amend this rule to remove requirement that only the lesson plan developed by the NC Justice Academy be used for training purposes. This revision will allow for other lesson plans, such as those developed by the National Rifle Association, to be utilized in satisfying the requirements of this rule.

 State Impact: None

 Local Government Impact: None

 Substantial Economic Impact: No

 Small Business Impact: No

See Rules beginning on next page.

12 NCAC 09F .0102 TOPICAL AREAS

~~The course entitled "Concealed Carry Handgun Training" shall consist of eight hours of instruction and shall include the following identified topical areas:~~

(1) Legal Issues (two hours): The student shall be able to demonstrate a general knowledge of North Carolina law on concealed handguns, handgun safety, and use of deadly force. ~~The instructor shall use the lesson plan produced by the North Carolina Justice Academy.~~ The instructor shall determine the student's level of understanding of the relevant legal issues by a written examination.

(2) Handgun Nomenclature: The students shall be able either verbally or in writing to list the primary parts of their personal handguns.

(3) Handgun Safety: The students shall be able to:
- (a) list at least four rules of safe gun handling and demonstrate all of these procedures during range exercises;
- (b) list four methods of safely storing a handgun and choose the method most appropriate for their personal use;
- (c) describe safety issues relating to the safe carry of a handgun; and
- (d) determine the proper storage of their handguns when there are minors in the home.

(4) Handgun Fundamentals: The students shall be able to:
- (a) demonstrate how to properly load both a revolver and a semiautomatic handgun;
- (b) demonstrate how to properly unload both a revolver and a semiautomatic handgun;
- (c) describe the operational characteristics of their handguns; and
- (d) successfully complete a proficiency test administered by the instructor as prescribed in 12 NCAC 09F .0105.

(5) Marksmanship Fundamentals: The student shall be able to:
- (a) demonstrate a proper handgun grip;
- (b) demonstrate either the Weaver or Isosceles Stance;
- (c) describe the elements of sight alignment and sight picture; and
- (d) demonstrate trigger control in a dry fire exercise.

(6) Presentation Techniques: The students shall be able to demonstrate the draw or presentation with their handguns.

(7) Cleaning and Maintenance: The students shall be able to:
- (a) demonstrate how to "field strip" the handguns if their handguns can be field stripped;
- (b) describe how to perform a "Function Check" on their personal handguns; and
- (c) based on the manufacturer's recommendations, list the lubrication points of their specific handguns.

(8) Ammunition: The students shall be able to list the four components of handgun ammunition.

(9) Proficiency Drills: The students shall be able to:
- (a) demonstrate how to properly check a handgun in order to ensure that it is safe;
- (b) demonstrate how to fire a handgun from a ready position;
- (c) demonstrate the ability to fire a handgun from various distances; and
- (d) successfully complete a proficiency test administered by the instructor as prescribed in 12 NCAC 09F .0105(7).

History Note: *Authority G.S. 14-415.12;*
Temporary Adoption Eff. November 1, 1995;
Eff. May 1, 1996;
Amended Eff. February 1, 2013; May 1, 2004.