

RETIRED LAW ENFORCEMENT OFFICERS FIREARMS QUALIFICATION CERTIFICATION PROGRAM

FREQUENTLY ASKED QUESTIONS

In order to comply with federal legislation passed by Congress in 2004, which is known as H.R. 218, and which allows qualified and trained retired law enforcement officers to carry concealed firearms nationwide, the North Carolina General Assembly ratified House Bill 1231 on August 1, 2007. The bill was signed into law on August 27, 2007 and became effective on December 1, 2007. The Criminal Justice Education and Training Standards Commission was tasked with developing and implementing a statewide program to “establish standards and guidelines for the annual firearms certification of qualified retired law enforcement officers.” As a result, the Commission requested a new Sub-Chapter of the North Carolina Administrative Code, Title 12, Chapter 9, Sub-Chapter 09H. The new Sub-Chapter 09H, Sections .0101-.0105 became effective April 1, 2009.

The Criminal Justice Standards staff has developed the application form and identification card for retired officers who will participate in this program. Law enforcement agency heads, school directors, specialized firearms instructors and interested parties will be sent an information package regarding this program in the near future. In preparing to advise individuals who may be interested in this program, the following information is provided:

1. ***What is the federal requirement?***

Qualified retired officers may legally carry concealed firearms if he/she possesses a certification “issued by the State” in which the individual resides that indicates that the retired officer has, within the past year, been tested or otherwise found “by the State” to meet the standards established by the State for training and qualification for active LEOs to carry a firearm of the same type as the concealed firearm.

2. ***Why do the rules not apply to retired officers who complete the required training and qualification from the agency from which they retired?***

Officers in this category would have met the requirements specified in the Federal legislation (H.R. 218) and they would **NOT** have to apply with the Commission for certification of their qualification.

3. ***What does North Carolina HB 1231 specify about annual qualifications?***

Retired officers may qualify with the agency from which they retired and meet the federal standards, or they may meet the State requirements established by the CJ Standards Commission and receive certification from the Commission through this program.

4. ***Who established the standards for the Retired Law Enforcement Officers Firearms program?***

A joint committee, which included representatives of the Criminal Justice Standards Commission and the Sheriffs’ Standards Commission, was established to develop standards. The recommended standards were accepted by the CJ Standards Commission

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and proposed administrative rules were drafted. The program will be administered by the Commission staff with the CJ Standards Division.

5. *What training must the retired officer complete?*

The retired officer must complete the current Commission-mandated In-Service Firearms Training & Qualification. Currently, the in-service program requires four (4) hours of annual training on safety, marksmanship fundamentals and use of force, plus qualification on the firing range with duty weapons. An additional two (2) hours of training will be required on the North Carolina laws of self defense and use of force by private citizens, detention of persons by private persons, and assistance to law enforcement officers by private persons.

6. *Why does the law require retired officers to qualify with each handgun he/she will carry rather than the type of weapon the officer will carry?*

H.R. 218 specifies that the individual must meet the State's standards for training and qualification for active law enforcement officers to carry firearms. 12 NCAC 09E.0106 (Commission's in-service rule) requires officers to qualify with their individual and departmental approved handgun(s) at least once each year.

7. *Does a Criminal Justice Commission certified Law Enforcement Specialized Firearms instructor have to conduct the training?*

Yes. Only Commission certified Law Enforcement Specialized Firearms Instructors will be authorized to conduct training and qualification.

8. *Are there any fees to become certified under the Retired Law Enforcement Officers Firearms Certification program?*

Yes. The initial certification fee for retired officers participating in this program is \$50.00 and an annual renewal fee of \$25.00.

9. *Will the Criminal Justice Commission regulate the amount instructors charge retired officers to complete the training and qualification?*

No, the Criminal Justice Commission has no statutory authority to do so.

10. *What paperwork must the retired law enforcement officer supply to Criminal Justice Standards when applying?*

Retired officers must submit an application to the Criminal Justice Standards Division which includes an affidavit attesting that the individual is retired in good standing as per specifics of H.R. 218 and that he/she is eligible to receive or possess firearms under Federal and State laws. The applicant must also attest to various other qualifying requirements and provide a copy of the retired officer's photo ID confirming their retired

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status. A current CJ certified Firearms Instructor must sign the individual's application to attest that the training requirements have been met.

11. *Who must maintain the records of training and qualification on retired officers applying under this program?*

The Commission's rules require the instructor conducting the training and qualification to maintain records of such for a period of five (5) years. The records will not be sent to CJ Standards unless a specific request is made for same by CJ Standards staff, however, the records must be available for inspection by a CJ Standards representative at reasonable times. In cases where instructors are conducting training on behalf of a NC governmental law enforcement agency, the NC Justice Academy, or a NC Community College, the records shall be maintained by the agency or institution in lieu of the instructor.

12. *How often must a retired officer qualify with their weapons and renew their certification?*

Retired officers must qualify "during the most recent 12 month period."

13. *What is the difference between this program and the Concealed Carry Handgun program?*

The Concealed Carry Handgun permit allows an individual to carry concealed within North Carolina in permissible areas as well as those states who have reciprocity agreements with North Carolina. The Retired Law Enforcement Officers qualification certification allows for individuals to carry a concealed handgun nationwide in permissible areas.

***Note:** Please refer to the "Concealed Carry - Handgun Reference Chart" for information on allowances and restrictions for carrying concealed weapons in North Carolina for law enforcement officers, out-of-state law enforcement officers, retired law enforcement officers, holders of concealed carry handgun permits and out-of-state reciprocal concealed carry handgun permit holders.