

12 NCAC 10B .0403 is proposed for amendment as follows:

12 NCAC 10B .0403 PROBATIONARY CERTIFICATION REQUIREMENT

(a) For certification as a deputy sheriff, ~~the applicant must successfully complete Basic Law Enforcement Training as described in 12 NCAC 10B .0502 and 12 NCAC 09B .0205, and~~ sheriff or detention officer, a Report of Appointment (Form F-4) ~~must~~ shall be submitted to the Division. For certification as a telecommunicator, a Report of Appointment (Form F-4T) shall be submitted to the Division.

~~(b) For certification as a detention officer, a Report of Appointment (Form F-4) must [shall] be submitted to the Division.~~

~~(c) For certification as a telecommunication officer, a Report of Appointment (Form F-4T) must [shall] be submitted to the Division.~~

~~(d)~~(b) Report of Appointment forms ~~must~~ shall be submitted to the Division by the employing agency no later than 10 days after the deputy sheriff has taken the Oath of Office, or the detention officer or the telecommunicator has been appointed.

~~(e)~~(c) The Division shall forward the justice officer's certification to the ~~appointing~~ employing agency.

(f)(d) No deputy sheriff or detention officer probationary certification shall be issued by the Division prior to the applicant meeting the conditions set forth in this Paragraph. As an additional requirement for probationary certification, the applicant shall meet the following requirements:

(1) If the applicant for probationary certification is authorized by the sheriff to carry a firearm pursuant to the provisions of ~~12 NCAC 10B .2104, Rule .2104 of this Subchapter,~~ the employing agency shall submit evidence of satisfactory completion of the employing agency's in-service firearms training and ~~requalification~~ qualification program pursuant to ~~12 NCAC 10B .2000 and .2100; Section .2100 of this Subchapter;~~ or

(2) If the applicant for probationary certification is not authorized by the sheriff to carry a firearm pursuant to the provisions of ~~12 NCAC 10B .2104, Rule .2104 of this Subchapter,~~ the employing agency shall notify the Division, in writing, that the applicant is not authorized by the sheriff to carry a firearm.

(e) After documentation has been submitted to the Division pursuant to Paragraph (a) of this rule, a deputy sheriff who has not completed Basic Law Enforcement Training is only authorize to exercise the powers of a deputy sheriff when such action is:

(1) While accompanied by and under the direct supervision of the sheriff or designee; or

(2) While accompanied by and under the direct supervision of another deputy sheriff or law enforcement officer who has successfully completed Basic Law Enforcement Training; or

(3) Necessary to:

(i) Defend themselves or another from what the deputy sheriff believes to be imminent use of deadly force; or

(ii) Prevent serious bodily harm to themselves or another; or

1 (iii) Prevent the escape from custody a person the deputy sheriff believe is attempting to escape
2 by means of a deadly weapon, or who by this conduct or any other means indicates an
3 imminent threat of death or serious physical injury to injury to others unless apprehended
4 without delay; or a convicted of a felony; or

5 (4) Taken when the deputy sheriff has probable cause to believe in their presence:

6 (i) a felony; or

7 (ii) a breach of the peace; or

8 (iii) a crime involving physical injury to another person; or

9 (iv) a crime involving theft or destruction of property is being committed.

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12 *History Note: Authority G.S. 17E-4; 17E-7;*

13 *Eff. January 1, 1989;*

14 *Amended Eff. February 1, 1998, January 1, 1996; January 1, 1994; January 1, 1991;*

15 *Temporary Amendment Eff. March 1, 1998;*

16 *Amended Eff. August 1, 1998;*

17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
18 *2018;*

19 *Amended Eff. December 1, 2025*
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