

1 **12 NCAC 10B .2105 is proposed for amendment as follows:**

2
3 **12 NCAC 10B .2105 FAILURE TO QUALIFY**

4 (a) Deputy sheriffs and detention officers who fail to qualify pursuant to Rule .2104 of this Section shall
5 immediately surrender their weapons to the sheriff; or authorized representative ~~upon his request~~, and shall have 30
6 days in which to obtain the qualification score required in 12 NCAC 10B .2104.

7 (b) Failure to qualify within the time period allowed in 12 NCAC 10B .2105(a) shall result in the summary
8 suspension of the deputy sheriff's or detention officer's certification by the Commission.

9 (c) No deputy sheriff or detention officer summarily suspended under Paragraph (b) of this Rule and in compliance
10 with 12 NCAC 10B .0206(a)(3) may work as a certified justice officer until:

11 (1) the sheriff forwards to the Commission documentary evidence verifying that the officer has complied
12 with the requirements of 12 NCAC 10B .2103 and .2104; and

13 (2) the deputy sheriff or detention officer and the sheriff receive from the Commission documentation that
14 the Commission has terminated the suspension and reinstated the certification to the deputy sheriff or
15 detention officer.

16 (d) Any deputy sheriff or detention officer previously unauthorized to carry a weapon but whose status changed to
17 "authorized to carry a weapon," must comply with the provisions set out in 12 NCAC 10B .2103 and .2104; and may
18 not carry a firearm until:

19 (1) the sheriff forwards to the Commission documentary evidence verifying that the officer has complied
20 with the requirements of 12 NCAC 10B .2103 and .2104; and

21 (2) the deputy sheriff or detention officer and the sheriff receive from the Commission documentation that
22 the Commission has amended the officer's status to "authorized to carry a weapon" and all certification files
23 reflect the same.

24
25 *History Note: Authority G.S. 17E-4; 17E-7;*

26 *Eff. January 1, 1989;*

27 *Amended Eff. March 1, 1995; January 1, 1995; January 1, 1993; January 1, 1990;*

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

29 *Amended Eff. August 1, 1998; March 1, 2026;*

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