

1 12 NCAC 10B .2104 is proposed for amendment as follows:

2  
3 12 NCAC 10B .2104 ANNUAL FIREARMS QUALIFICATION SPECIFICATIONS

4 (a) All deputy sheriffs and detention officers who are authorized by the sheriff to carry a handgun shall qualify prior  
5 to carrying the handgun in the performance of official duties and a minimum of once each calendar year with each  
6 ~~department approved~~ agency-approved service handgun by completing handgun. Qualification shall consist of either  
7 completion of a BLET firearms qualification course, pursuant to 12 NCAC 09B .0205, or completion of the  
8 ~~Qualification~~ firearms qualification courses set forth in Paragraphs (b), (c), and (e) of this Rule. In the discretion of  
9 the Agency Head, an agency may allow the use of specialized sights as part of any course of fire in the Day Accuracy  
10 Qualification course, Low-Light Accuracy Qualification course, Day Decision Making Qualification course, or Low-  
11 Light Decision Making Qualification course. For the purpose of this Rule, service handgun shall include any semi-  
12 automatic pistol or revolver.

13 (b) The Accuracy Qualification course of fire shall meet the following minimum requirements for Day Accuracy  
14 Qualification:

- 15 (1) ~~No Firing~~ no fewer than thirty (30) rounds;
- 16 (2) Firing from the three (3), five (5), seven (7), ten (10), fifteen (15), and twenty-five (25) yard lines  
17 and shall consist of a minimum of four rounds fired from each yard line and no more than the  
18 following percentage of ~~shots~~ rounds fired at each yard line:
- 19 (A) 3-yard line: ~~40%~~ 12%
- 20 (B) 5-yard line: 12%
- 21 (C) 7-yard line: ~~30%~~ 40%
- 22 (D) 10-yard line: 20%
- 23 (E) 15-yard line: ~~25%~~ 30%
- 24 (F) 25-yard line: ~~20%~~ 30%
- 25 (3) Firing at least two rounds from each of the following positions:
- 26 (A) Standing;
- 27 (B) Kneeling;
- 28 (C) Barricade; and
- 29 (D) Prone is optional based on the agency's preference;
- 30 (4) Firing at least two rounds using the dominant hand only;
- 31 (5) Firing at least two rounds using the support hand only;
- 32 (6) ~~Fire after drawing from the holster;~~ At least one stage of fire must include a mandatory magazine  
33 change; and
- 34 (7) ~~At least one stage that includes a mandatory magazine change.~~ Prior to beginning any sequence of  
35 fire, the handgun must be holstered and all retention devices secured. The requirement to holster the  
36 handgun with all retention devices secured does not apply when a series of continued fire is required  
37 or a momentary pause in firing is necessary for reloading.

1 (c) The Accuracy Qualification course of fire shall meet the following minimum requirements for Low-Light  
2 Accuracy Qualification:

- 3 (1) ~~No Firing~~ no fewer than thirty (30) rounds;
- 4 (2) Firing from the three (3), five (5), seven (7), ten (10), and fifteen (15) yard lines and shall consist of  
5 a minimum of four rounds fired from each yard line and no more than the following percentage of  
6 shots rounds fired at each yard line: line, using the lighting as specified:
  - 7 (A) 3-yard line: ~~13%~~ 20% - the use of no light is required;
  - 8 (B) 5-yard line: ~~26%~~ 30% - using only a flashlight is required;
  - 9 (C) 7-yard line: ~~24%~~ 30% - using only blue lights is required;
  - 10 (D) 10-yard line: ~~24%~~ 30% - using only blue lights and low-beam headlights is required;
  - 11 (E) 15-yard line: ~~24%~~ 30% - using only blue lights and low-beam or high-beam headlights is  
12 required;
  - 13 (F) At the 5, 7, 10, and 15 yard lines, in addition to the lighting as specified above, the agency  
14 can allow officers to also use a weapon-mounted light.
- 15 (3) Firing at least two rounds from the following positions:
  - 16 (A) Standing; ~~and~~
  - 17 (B) ~~Kneeling.~~ Kneeling;
  - 18 (C) Barricade and Prone are optional based on the agency's preference.
- 19 (4) Firing at least two rounds using the dominant hand only;
- 20 (5) Firing at least two rounds using the support hand only;
- 21 (6) ~~Firing after drawing from the holster;~~ At least one stage of fire must include a mandatory magazine  
22 change;
- 23 (7) ~~At least one stage that includes a mandatory magazine change;~~ Prior to beginning any sequence of  
24 fire, the handgun must be holstered and all retention devices secured. The requirement to holster the  
25 handgun with all retention devices secured does not apply when a series of continued fire is required  
26 or a momentary pause in firing is necessary for reloading.
- 27 (8) ~~At least one stage that includes the use of a flashlight or weapon-mounted light;~~
- 28 (9) ~~At least one stage that includes the use of blue lights;~~
- 29 (10) ~~At least one stage that includes the use of low beam headlights and blue lights; and~~
- 30 (11) ~~At least one stage that includes the use of headlights, blue lights, and all available lighting.~~

31 (d) All deputy sheriffs and detention officers shall successfully complete a Decision Making Qualification course for  
32 both day and low-light at least once each calendar year.

33 (e) The Decision Making Qualification course shall meet the following minimum requirements:

- 34 (1) Day Decision Making Qualification:
  - 35 (A) No fewer than three decision points within the course;
  - 36 (B) Required target discrimination decision (shoot/no-shoot);

- 1 (C) Required articulation by the officer of a minimum of two decisions made during the course;  
2 and  
3 (D) Shall contain a detailed diagram of the decision making course, with a written explanation  
4 of the course, and a scoring matrix outlining what constitutes passing and failing  
5 performance, which shall be maintained in an Annual Qualification file by the agency and  
6 made available for audit.

7 (2) Low-Light Decision Making Qualification:

- 8 (A) No fewer than three decision points within the course;  
9 (B) Required target discrimination decision (shoot/no-shoot);  
10 (C) Required use of a flashlight, weapon-mounted light, or other shooter-controlled light  
11 source;  
12 (D) Required articulation by the officer of a minimum of two decisions made during the course;  
13 and  
14 (E) Shall contain a detailed diagram of the decision making course, with a written explanation  
15 of the course, and a scoring matrix outlining what constitutes passing and failing  
16 performance, which shall be maintained in an Annual Qualification file by the agency and  
17 made available for audit.

18 (f) If a deputy sheriff's or detention officer's ~~handgun~~ service firearm is replaced with another service ~~handgun~~ firearm  
19 of the same make and model, ~~they~~ the officer shall successfully complete the Day Accuracy Qualification with the  
20 new service ~~handgun~~ firearm within 15 days of issuance. If a deputy sheriff's or detention officer's service firearm is  
21 replaced with another service firearm of a different make, different model, or with a different sighting system, the  
22 officer must meet the requirements outlined in Paragraphs (a) or (g) of this Rule.

23 (g) All deputy sheriffs and detention officers who are issued or ~~otherwise~~ authorized by the sheriff to use a shotgun,  
24 rifle, or automatic weapon shall qualify with each weapon respectively, for both day and low-light use prior to carrying  
25 the weapon in the performance of law enforcement duties and at least once each calendar year thereafter.

26 (h) The accuracy qualification courses required by Paragraphs (a), (b), and (c) of this Rule shall be completed with  
27 duty equipment and duty ammunition or ballistic-equivalent ammunition including lead-free ammunition that meets  
28 the same point of aim, point of impact, and felt recoil of the duty ammunition, for all weapons.

29 (i) All deputy sheriffs and detention officers who are issued or authorized to use a less-lethal weapon, that may also  
30 be classified as a firearm, shall qualify with each weapon, respectively, in compliance with the manufacturer's  
31 specifications or certification ~~requirements.~~ requirements prior to carrying the weapon in the performance of official  
32 duties, and as required by the manufacturer thereafter.

33 (j) ~~The accuracy qualification and decision making qualification courses required by Paragraphs (a) through (g) and~~  
34 ~~(k) of this Rule shall define~~ For purposes of this Rule, low-light for an outdoor range is defined as beginning 30  
35 minutes after sunset, based on the time provided by the U.S. Naval Observatory chart (located here:  
36 [https://aa.usno.navy.mil/data/RS\\_OneYear](https://aa.usno.navy.mil/data/RS_OneYear)) for the date of qualification, specific to the location of the outdoor range.

1 For an indoor range, transition to low-light environment occurs by cutting off the lighting and is not defined by a  
2 specific time.

3 (k) ~~All Pursuant to G.S. 14-269 and the Law Enforcement Officers Safety Act of 2004, H.R.218, 108th Cong. (2004),~~  
4 ~~(located here: <https://www.congress.gov/bill/108th-congress/house-bill/218>),~~ all deputy sheriffs and detention officers  
5 who are authorized by the sheriff to carry off-duty handguns shall qualify with ~~their~~ each such off-duty handgun a  
6 minimum of once each calendar year pursuant to Paragraphs (a) through ~~(e)~~ (c) of this Rule with each handgun the  
7 officer carries off-duty using ammunition approved by the sheriff.

8 ~~(l) All deputy sheriffs and detention officers who are issued or have access to any weapons not stated in this Rule~~  
9 ~~must qualify with these weapons once each calendar year using ammunition approved by the sheriff.~~

10 ~~(m)~~ (l) To satisfy the requirements for all firearms accuracy qualifications, a deputy sheriff or detention officer shall  
11 attain a minimum qualification score of 80 percent accuracy with each weapon. ~~at least once in three attempts with no~~  
12 ~~more than three attempts on each course of fire per day.~~

13 ~~(n)~~ (m) To satisfy the requirements for all decision making qualification courses, a deputy sheriff or detention officer  
14 shall attain a passing score as outlined by the specific ~~course~~ courses scoring matrix.

15 ~~(o)~~ (n) ~~In cases where reduced sized targets are used to simulate actual distances, a modified course of fire may be~~  
16 ~~used.~~

17 ~~(p)~~ (n) ~~The following shall apply to each~~ Each Day Accuracy Qualification course and Low-Light Accuracy  
18 Qualification course:

- 19 (1) ~~Each course shall~~ Shall be completed successfully on a single day, once out of three attempts.
- 20 (2) Failure to qualify within three attempts on a single day shall be deemed a failure.
- 21 (3) Once qualification has begun, if a deputy sheriff or detention officer is unsuccessful at any  
22 qualification attempt and fails to complete three attempts in a single day, the officer shall be deemed  
23 to have failed to qualify.
- 24 (4) ~~No practice is allowed once qualification begins. Practice is not allowed until after the officer~~  
25 ~~qualifies successfully or the third qualification attempt is completed.~~ Between each qualification  
26 attempt by an individual, but not during a qualification attempt, any or all of the following may  
27 occur: coaching, advice, live fire, dry fire, or use of a simulator.
- 28 (5) ~~Each course shall~~ Shall be completed with each weapon for which qualification is required.
- 29 (6) Each Qualification course may take place on different days; however, all three attempts to qualify  
30 for that course shall occur on the same day.
- 31 (7) Once a deputy sheriff or detention officer has failed to qualify in three attempts or failed to complete  
32 three attempts to qualify in a single day on any Qualification course, access to the weapon shall be  
33 restricted until such time the deputy sheriff or detention officer successfully qualifies with the  
34 weapon.

35 ~~(q)~~ (o) ~~The following shall apply to each~~ Each Day Decision Making Qualification course and Low-Light Decision-  
36 Making Qualification course:

- 37 (1) ~~Each course shall~~ Shall be completed successfully on a single day, once out of three attempts.

- 1 (2) Failure to qualify within three attempts on a single day shall be deemed a failure.
- 2 (3) Once qualification has begun, if a deputy sheriff or detention officer is unsuccessful at any
- 3 qualification attempt and fails to complete three attempts in a single day, the officer shall be deemed
- 4 to have failed to qualify.
- 5 (4) ~~No practice shall be allowed once qualification begins. Practice shall not be allowed until after the~~
- 6 ~~deputy sheriff or detention officer qualifies successfully or the third qualification attempt is~~
- 7 ~~completed.~~ Between each qualification attempt by an individual officer, but not during a
- 8 qualification attempt, any or all of the following may occur: coaching, advice, live fire, dry fire, or
- 9 use of a simulator.
- 10 (5) Each qualification course may take place on different days; however, all three attempts to qualify
- 11 for that course shall occur on the same day.
- 12 (6) Once a deputy sheriff or detention officer has failed to qualify in three attempts or failed to complete
- 13 three attempts to qualify in a single day on any qualification course, access to the weapon shall be
- 14 restricted until such time the officer successfully qualifies with the weapon.
- 15 (7) Simulators, including virtual reality simulator headsets, are permitted for use during a Decision
- 16 Making Qualification course, provided a Specialized Firearms Instructor certified by the Criminal
- 17 Justice Education and Training Standards Commission is present to supervise.
- 18 (8) Non-lethal ammunition, such as force-on-force ammunition, Simunitions, and paintballs, is
- 19 permitted for use during a Decision Making Qualification course.

20

21

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

23 *Eff. January 1, 1989;*

24 *Amended Eff. January 1, 1994; January 1, 1993; January 1, 1992; January 1, 1991;*

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

26 *Amended Eff. January 1, 2011; January 1, 2006; August 1, 2002; August 1, 1998;*

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

28 *2018;*

29 *Amended Eff. January 1, 2027; March 1, 2026.*

30