12 NCAC 10B .2105 is proposed for readoption with substantive changes as follows:

12 NCAC 10B .2105 FAILURE TO QUALIFY

(a) Deputy sheriffs and detention officers who fail to qualify pursuant to Rule .2104 of this Section shall surrender their weapons to the sheriff or his or her authorized designee upon failure and shall have 30 days in which to obtain the qualification score required in 12 NCAC 10B .2104.

(b) Failure to qualify within the time period allowed in Paragraph (a) of this Rule shall result in the summary suspension of the deputy sheriff's or detention officer's certification by the Commission.

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

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

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

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

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

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

History Note: *Authority G.S. 17E-4; 17E-7; 17E-9;*
Eff. January 1, 1989;
Amended Eff. March 1, 1995; January 1, 1995; January 1, 1993; January 1, 1990;
Temporary Amendment Eff. March 1, 1998;
Amended Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. March 1, ~~2026.~~ 2026;
Readopted Eff. March 1, 2027.