12 NCAC 10B .2101 is proposed for readoption with substantive changes as follows:

SECTION .2100 - DEPUTY SHERIFFS' AND DETENTION OFFICERS' FIREARMS IN-SERVICE TRAINING REQUALIFICATION ~~PROGRAM~~

12 NCAC 10B .2101 SHERIFF RESPONSIBILITIES

The sheriff shall ensure that the deputy sheriffs' and detention officers' In-Service Firearms Training and Requalification ~~Program~~ is conducted according to minimum specifications as outlined in 12 NCAC 10B ~~.2103 and~~ .2104. In addition, the sheriff or designee:

(1) shall maintain copies of each course of fire adopted for use by his or her office ~~department~~ and shall make those courses available for review by the Commission's representative upon request; ~~and~~

(2) shall maintain in each officer's personnel file a copy of a commission-approved Firearms Requalification Record Form F-9A which verifies that the officer did, or did not, successfully complete the minimum annual in-service firearms training requirement; ~~and~~

~~(3) may, where the officer fails to qualify with any of the weapons specified in 12 NCAC 10B .2104 prohibit access or possession of such weapon while on duty or when acting in the discharge of that agency's official duties and may deny the officer authorization to carry such weapons concealed when off duty, except when the officer is on his/her own premises; and~~

~~(4)~~(3) shall report to the Division once each calendar year a roster of all deputy sheriffs and detention officers who fail to successfully complete the annual in-service firearms training and qualification and shall certify that all deputy sheriffs and detention officers required to qualify pursuant to 12 NCAC 10B .2104 who are not listed did successfully complete the training. This roster shall reflect the annual in-service firearms training and qualification status of all deputy sheriffs and detention officers employed by the agency as of December 31st of each calendar year and shall be received by the Division no later than the following January 15th; and

~~(5)~~(4) shall ensure that in addition to conducting Annual Firearms Requalification as prescribed in 12 NCAC .2104, a Specialized Firearms Instructor provides instruction on the following:

(a) Use of Force: the authority to use deadly force including relevant case law and materials.

(b) Safety:

(i) Range rules and regulations;

(ii) Handling of a firearm; and

(iii) Malfunctions.

(c) Review of Basic Marksmanship Fundamentals:

(i) Grip, stance, breath control, trigger press, and trigger reset;

(ii) Sight alignment and sight picture; and

(iii) Nomenclature.

(d) Operation and Maintenance of all agency-authorized weapons.

~~shall report to the Division not later than January 15th of each calendar year a list of those deputy sheriffs and detention officers employed by the agency who are not authorized by the sheriff to carry a weapon; and~~

~~(6) may ensure that once each year all officers receive a review of departmental policies regarding the use of force. It is recommended by the Commission that all officers be tested on departmental policies.~~

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 1989;
Amended Eff. January 1, 1995; January 1, 1993;
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.~~2018;
Readopted Eff. March 1, 2027.