

PROPOSED RULE AMENDMENTS

Public Hearing

August 9, 2023

10:00am

Full Commission Vote

August 11, 2023

9:00am

**Wake Technical Community College
Public Safety Training Center
321 Chapanoke Road
Raleigh, NC 27502**

Instructions for Oral and Written Comments: The Objection, reasons for the objection, and the clearly Identified portion of the rule to which the objection pertains, must be submitted in writing to:



Michelle Schilling
Deputy Director
Criminal Justice Standards Division
PO Drawer 149
Raleigh, NC 27602

Title: Minimum Standards for Law Enforcement Officers; Instructor Training Curriculum; Evaluation of Training Waivers; Certification of School Directors; Terms and Conditions of School Director Certification; Lateral Transfer of Law Enforcement Officers; Approval of Courses; Instructor Qualifications, and Instructor Responsibilities

Agency: Criminal Justice Education and Training Standards Commission

Contact: Michelle Schilling

Impact Summary: State Government: No
Local Government: No
Substantial Impact: No
Small Business: No

12 NCAC 09B .0101	Minimum Standards for Law Enforcement Officers
12 NCAC 09B .0209	Instructor Training Curriculum
12 NCAC 09B .0403	Evaluation of Training Waiver
12 NCAC 09B .0501	Certification of School Directors
12 NCAC 09B .0502	Terms and Conditions of School Director Certification
12 NCAC 09C. 0306	Lateral Transfer of Law Enforcement Officers
12 NCAC 09G .0405	Certification of School Directors
12 NCAC 09G .0406	Terms and Conditions of School Director Certification
12 NCAC 09F .0103	Approval of Courses
12 NCAC 09F .0104	Instructor Qualifications
12 NCAC 09F .0105	Instructor Responsibilities

Statutory authority for rule change: G.S. 17C-6, 17C-10

***Rules begin on the following page**

1 12 NCAC 09B .0101 is being proposed for amendment as follows:

2
3 **12 NCAC 09B .0101 MINIMUM STANDARDS FOR LAW ENFORCEMENT OFFICERS**

4 Every law enforcement officer who is employed in or has received a conditional offer of employment for a certified
5 position by an agency in North Carolina shall:

- 6 (1) be a citizen of the United States;
7 (2) be at least 20 years of age;
8 (3) be a high school graduate, or the equivalent as defined in 12 NCAC 09B .0106;
9 (4) have been fingerprinted by the employing agency in the manner provided in 12 NCAC 09B .0103;
10 (5) have had a medical examination as required by 12 NCAC 09B .0104;
11 (6) have produced a negative result on a drug screen as described in 12 NCAC 09C .0310;
12 (7) have been administered a psychological screening examination in accordance with G.S. 17C-10(c).
13 The psychological screening shall be valid for a period of one year from the date on which it was
14 administered.
15 (8) have been interviewed as described in 12 NCAC 09B .0105;
16 (9) have a background investigation conducted by the employing agency, including a personal interview
17 as required by 12 NCAC 09B .0102;
18 (10) not have committed or been convicted of a crime or crimes as specified in 12 NCAC 09B .0111;
19 (11) not have committed or been convicted of a crime that requires registration under Article 27A of

20 Chapter 14 of the General Statutes.

21 ~~(11)-(12)~~for personnel who are authorized to carry a firearm in the execution of their duties, satisfactorily
22 complete the employing agency's in-service firearms training program as prescribed in 12 NCAC
23 09E .0105 and .0106. Such firearms training compliance must have occurred prior to submission of
24 the application for appointment to the Commission and must be completed using the agency
25 approved service handgun(s) and any other weapon(s) that the applicant has been issued or
26 authorized to use by the agency; and

27 ~~(12)(13)~~ be of good moral ~~character~~ character, including possessing the characteristics of honesty, maturity,
28 discipline, attention to detail and respect for the rights of others, as more fully discussed and
29 interpreted as defined in: : In re Willis, 288 N.C. 1, 215 S.E. 2d 771 appeal dismissed 423 U.S. 976
30 (1975); State v. Harris, 216 N.C. 746, 6 S.E. 2d 854 (1940); In re Legg, 325 N.C. 658, 386 S.E. 2d
31 174 (1989); in re Applicants for License, 143 N.C. 1, 55 S.E. 635 (1906); In re Dillingham, 188
32 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E. 2d 647 (1983); and later
33 court decisions.

34 ~~(13)(14)~~ Make the following notifications:

- 35 (a) within five business days of the qualifying event notify the Standards Division and the
36 appointing agency head in writing of all criminal offenses for which the officer is charged,
37 arrested, pleads no contest, pleads guilty, or of which the officer is found guilty. This shall

1 include traffic offenses identified in the Class B Misdemeanor Manual and offenses of
2 driving under the influence (DUI) or driving while impaired (DWI);

3 (b) within five business days of service, officers shall notify the Standards Division and the
4 appointing agency head of all Domestic Violence Protective Order (G.S. 50B) and Civil
5 No Contact Orders (G.S. 50C) that are issued by a judicial official against the officer;

6 (c) within five business days of the date the case was disposed of in court, the agency head,
7 provided he or she has knowledge of the officer's arrests or criminal charges and final
8 dispositions, shall also notify the Standards Division of arrests or criminal charges and final
9 disposition;

10 (d) within five business days of the issuance of all Domestic Violence Protective Orders (G.S.
11 50B) and Civil No Contact Orders (G.S. 50C), the agency head, provided he or she has
12 knowledge of the order, shall also notify the Standards Division of these orders.

13 (e) The required notifications in this Rule shall be in writing and shall specify the nature of the
14 offense or order, the court in which the case was handled, the date of the arrest, criminal
15 charge, or service of the order, and the final disposition. The notification shall include a
16 certified copy of the order or court documentation and final disposition from the Clerk of
17 Court in the county of adjudication. The requirements of this Item shall be applicable at all
18 times during which the officer is employed and certified by the Commission and shall also
19 apply to all applicants for certification. Receipt by the Standards Division of a single
20 notification, from the officer or the agency head, shall be sufficient notice for compliance
21 with this Item.

22 ~~(14)~~(15) The requirements of this Rule shall apply to all applicants for certification and shall also apply at all
23 times during which the law enforcement officer is certified by the Commission.

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25 *History Note: Authority G.S. 17C-6; 17C-10;*
26 *Eff. January 1, 1981;*
27 *Amended Eff. April 1, 2018; October 1, 2017; September 1, 2001; April 1, 1999; January 1, 1995;*
28 *November 1, 1993; July 1, 1990;*
29 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
30 *2019;*
31 *Amended Eff. October 1, 2020;*
32 *Temporary Amendment Eff. February 15, 2022;*
33 *Amended Eff. October 1, 2023; October 1, 2022; August 23, 2022.*
34

12 NCAC 09B .0209 is being proposed for amendment as follows:

12 NCAC 09B .0209 CRIMINAL JUSTICE INSTRUCTOR TRAINING

(a) The Instructor Training course required for General Instructor certification shall consist of a minimum of 40 hours of classroom instruction, plus the time required to conduct practical exercises, student presentations, and post testing presented during a period of no more than 15 business days. If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

- (1) Whether instruction has begun in the course or whether course initiation may be postponed;
- (2) The risk of harm to students that may be caused by continuation of the course;
- (3) Whether those enrolled in the course have been or will likely be called on action to help address the State of Emergency;
- (4) The specific need for the waiver; and
- (5) The degree of benefit to the public in allowing a break in instruction.

Notice of waivers granted pursuant to the Section shall be posted on the CJETS website <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section shall only apply to courses that began during the effective period of the State of Emergency.

(b) Each Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the functions of a criminal justice instructor.

(c) Each Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area:

- | | | |
|------|---|-----------|
| (1) | Orientation and Pre-Test | + 2 Hour |
| (2) | Instructional Systems Design (ISD) | 5 3 Hours |
| (3) | Law Enforcement Instructor Liabilities and Legal Responsibilities | 2 Hours |
| (4) | Criminal Justice Instructional Leadership | 4 Hours |
| (5) | Lesson Plan Preparation: Professional Resources | 2 Hours |
| (6) | Lesson Plan Development and Formatting | 3 Hours |
| (7) | Adult Learning | 2 Hours |
| (8) | Instructional Styles and Platform Skills | 5 Hours |
| (9) | Classroom Management | 3 Hours |
| (10) | Active Learning: Demonstration and Practical Exercises | 3 Hours |
| (11) | The Evaluation Process of Learning | 4 3 Hours |
| (12) | Audio Visual Aids | 5 Hours |
| (13) | Course Closing and Post-test | 1 Hour |

1 (14) Completion of tasks associated with practical exercises, student presentations, and post testing; the
2 number of hours required to complete this portion of the curriculum shall be based on the number
3 of enrolled students, available facilities, and number of instructors.

4 (d) The most current version of the "Instructor Training" manual published by the North Carolina Justice Academy
5 shall be the curriculum for instructor training courses. Copies of this publication may be inspected at the agency:

6 Criminal Justice Standards Division
7 North Carolina Department of Justice
8 1700 Tryon Park Drive
9 Post Office Drawer 149
10 Raleigh, North Carolina 27602
11 and may be purchased at the cost of printing and postage from the Academy at the following address:
12 North Carolina Justice Academy
13 Post Office Drawer 99
14 Salemburg, North Carolina 28385

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16 *History Note:* *Authority G.S. 17C-6;*
17 *Eff. January 1, 1981;*
18 *Amended Eff. July 1, 2018; April 1, 2018; January 1, 2018; January 1, 2015; December 1, 2009;*
19 *August 1, 2005; November 1, 1998; January 1, 1995; March 1, 1990; July 1, 1989; January 1,*
20 *1985;*
21 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
22 *2019;*
23 *Amended Eff. October 1, 2023; April 1, 2022; July 1, 2021; January 1, 2021.*

1 12 NCAC 09B .0403 is being proposed for amendment as follows:

2
3 **12 NCAC 09B .0403 EVALUATION FOR TRAINING WAIVER**

4 (a) The Standards Division staff shall evaluate each law enforcement officer's training and experience to determine if
5 equivalent training has been completed as specified in Rule .0402(a) of this Section. Applicants for certification with
6 prior law enforcement experience shall have been employed in a full-time, sworn law enforcement position in order
7 to be considered for training evaluation under this Rule. Applicants for certification with a combination of full-time
8 and part-time experience shall be evaluated on the basis of the full-time experience only. The following criteria shall
9 be used by Standards Division staff in evaluating a law enforcement officer's training and experience to determine
10 eligibility for a waiver of training requirements:

- 11 (1) Persons having completed a Commission-accredited basic training program and not having been
12 duly appointed and sworn as a law enforcement officer within one year of completion of the program
13 shall complete a subsequent Commission-accredited basic training program, as prescribed in Rule
14 .0405(a) of this Section, and shall achieve a passing score on the State Comprehensive Examination
15 prior to obtaining probationary law enforcement certification, unless the Director determines that a
16 delay in applying for certification was not due to neglect on the part of the applicant, in which case
17 the Director shall accept a Commission-accredited basic training program that is over one year old.
18 The appointing agency shall request in writing the extension of the one year period, which shall not
19 exceed 30 days from the first year anniversary of the passing of the State Comprehensive
20 Examination;
- 21 (2) Out-of-state transferees shall be evaluated to determine the amount and quality of their training and
22 experience. Out-of-state transferees shall not have a break in service exceeding three years. At a
23 minimum, out-of-state transferees shall have two years' full-time, sworn law enforcement
24 experience and have completed a basic law enforcement training course accredited by the
25 transferring state. An individual's attendance at his or her basic law enforcement class shall not count
26 towards the two years' full-time sworn law enforcement experience. Prior to employment as a
27 certified law enforcement officer, out-of-state transferees shall complete with a passing score the
28 employing agency's in-service firearms training and qualification program as prescribed in 12
29 NCAC 09E .0106. In addition, out-of-state transferees shall complete the Legal Unit in a
30 Commission-accredited Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1)
31 of this Subchapter and shall achieve a passing score on the State Comprehensive Examination within
32 the 12 month probationary period;
- 33 (3) Persons who have completed a 369-hour basic law enforcement training program accredited by the
34 Commission under guidelines administered beginning October 1, 1984, have been separated from a
35 sworn position for over one year but less than three years, and who have had a minimum of two
36 years' experience as a full-time, sworn law enforcement officer in North Carolina shall complete the
37 Legal Unit in a Commission-accredited Basic Law Enforcement Training Course as prescribed in

1 Rule .0205(b)(1) of this Subchapter and shall achieve a passing score on the State Comprehensive
2 Examination within the 12 month probationary period. Prior to employment as a certified law
3 enforcement officer, these persons shall complete with a passing score the employing agency's
4 in-service firearms training and qualification program as prescribed in 12 NCAC 09E;

- 5 (4) Persons who have completed a 396-hour basic law enforcement training program accredited by the
6 Commission under guidelines administered beginning October 1, 1984, have been separated from a
7 sworn position more than one year but less than five years and who have a minimum of two years'
8 experience as a full-time, sworn law enforcement officer in North Carolina, who have not been
9 convicted of a disqualifying criminal offense as listed in Rule .0111(1) of this Subchapter, and who
10 have successfully completed the mandatory in-service training requirements pursuant to 12 NCAC
11 09E .0105 or 12 NCAC 10B .2005, with the exception of Firearms Training and Requalification,
12 during each year the person was separated from a sworn position prior to employment as a certified
13 law enforcement officer shall complete the topic areas within the following time frames:

14 (A) Prior to employment as a certified law enforcement officer, the person shall complete the
15 appointing agency's in-service firearms training and qualification program as prescribed in
16 12 NCAC 09E;

17 (B) Prior to employment as a certified law enforcement officer, the person shall achieve a
18 passing score on the practical skills testing for the First Responder, Law Enforcement
19 Driver Training, and Subject Control Arrest Techniques topics set forth in Rule .0205(b)(5)
20 of this Subchapter. The person shall also successfully complete the Police Officer Physical
21 Abilities Test. The practical skills testing and the Police Officer Physical Abilities Test
22 may be completed either in a Commission-accredited Basic Law Enforcement Training
23 course or under the instruction of a Commission-certified instructor for that particular skill.
24 The person shall also meet the requirements per Rule .0101 of this Subchapter; and

25 (C) Within 12 months of being issued probationary certification, the person shall complete the
26 remaining topics in the legal unit of instruction in the Basic Law Enforcement Training
27 course as set forth in Rule .0205(b)(1) of this Subchapter. The person shall achieve a
28 passing score on the appropriate topic tests for each course. The person may undertake
29 each of these legal unit topics of instruction either in a Commission-accredited Basic Law
30 Enforcement Training course or under the instruction of a Commission-certified instructor
31 for that particular topic of instruction.

32 An individual's attendance at his or her basic law enforcement class shall not count towards the two
33 years' full-time sworn law enforcement experience. Persons who meet the criteria of this Part shall
34 be processed as a probationary certification and shall serve a one-year probationary period as
35 defined in 12 NCAC 09C .0303;

- 36 (5) Persons out of the law enforcement profession for over one year but less than three years who have
37 had less than two years' experience as a full-time, sworn law enforcement officer in North Carolina

1 shall complete a Commission-accredited basic training program, as prescribed in Rule .0405(a) of
2 this Section, and achieve a passing score on the State Comprehensive Examination;

3 (6) Persons out of the law enforcement profession for over three years who do not meet the criteria of
4 Subparagraph (4) of this Paragraph shall complete a Commission-accredited basic training program,
5 as prescribed in Rule .0405(a) of this Section, regardless of prior training or experience, and shall
6 achieve a passing score on the State Comprehensive Examination;

7 (7) Persons who separated from law enforcement employment during their probationary period after
8 having completed a Commission-accredited basic training program and who have separated from a
9 sworn law enforcement position for more than one year shall complete a subsequent Commission-
10 accredited basic training program and shall achieve a passing score on the State Comprehensive
11 Examination;

12 (8) Persons who separated from a sworn law enforcement position during their probationary period after
13 having completed a Commission-accredited basic training program and who have separated from a
14 sworn law enforcement position for less than one year shall serve a new 12 month probationary
15 period as prescribed in Rule .0401(a) of this Section, but shall not be required to complete an
16 additional training program;

17 (9) Persons who have completed a minimum 160-hour basic law enforcement training program
18 accredited by the North Carolina Criminal Justice Training and Standards Council under guidelines
19 administered beginning on July 1, 1973, and continuing through September 30, 1978, and who have
20 separated from a sworn law enforcement position for over one year but less than two years shall
21 complete the Legal Unit and the topical area entitled "Law Enforcement Driver Training" of a
22 Commission-accredited Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1)
23 and .0205(b)(5)(C) of this Subchapter and shall achieve a passing score on the State Comprehensive
24 Examination within the 12 month probationary period;

25 (10) Persons who have completed a minimum 160-hour basic law enforcement training program
26 accredited by the North Carolina Criminal Justice Training and Standards Council under guidelines
27 administered beginning on July 1, 1973, and continuing through September 30, 1978, and have been
28 separated from a sworn law enforcement position for two or more years shall complete a
29 Commission-accredited basic training program, as prescribed in Rule .0405 of this Section,
30 regardless of training and experience, and shall achieve a passing score on the State Comprehensive
31 Examination;

32 (11) Persons who have completed a minimum 240-hour basic law enforcement training program
33 accredited by the Commission under guidelines administered beginning October 1, 1978, and
34 continuing through September 30, 1984, and have been separated from a sworn position over one
35 year but less than three years shall complete the Legal Unit in a Commission-accredited Basic Law
36 Enforcement Training Course as prescribed in Rule .0205(b)(1) of this Subchapter and shall achieve
37 a passing score on the State Comprehensive Examination within the 12 month probationary period;

- (12) Persons previously holding law enforcement certification in accordance with G.S. 17C-10(a) who have been separated from a sworn law enforcement position for over one year and who have not previously completed a minimum basic training program accredited by either the North Carolina Criminal Justice Training and Standards Council or the Commission shall complete a Commission-accredited basic training program, as prescribed in Rule .0405 of this Section, and shall achieve a passing score on the State Comprehensive Examination prior to employment;
- (13) Individuals seeking certification with the Commission who have been appointed as a Criminal Investigator, as defined in 5 U.S.C. 5541(3) and the Office of Personnel Management GS-1811 series in the General Schedule classification system, ~~Special Agents with the Federal Bureau of Investigation; United States Secret Service; Bureau of Alcohol, Tobacco and Firearms; and Drug Enforcement Administration; as well as United States Marshals and Deputy United States Marshals,~~ who have not had a break in service exceeding three years, shall be evaluated to determine the amount and quality of their training and experience. At a minimum, federal law enforcement officers shall have two years' full-time, sworn law enforcement experience and have completed a basic law enforcement training course as required by their appointing federal agency. Prior to employment as a certified law enforcement officer, these individuals shall complete with a passing score the employing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E .0106. These individuals shall complete the Basic Law Enforcement Training topics pursuant to 12 NCAC 09B .0205(b)(1)(A), (b)(1)(C), (b)(1)(D), (b)(1)(F), (b)(2)(A), (b)(2)(C), (b)(2)(E), (b)(2)(F), (b)(2)(I), (b)(3)(B), (b)(3)(D), (b)(4)(E), (b)(5)(A), (b)(6)(A), (b)(6)(B), (b)(6)(C), and shall achieve a passing score on the State Comprehensive Examination pursuant to 12 NCAC 09B .0406 within the 12 month probationary period. Individuals who submit to the Commission documentation of completion of training equivalent to the topics set forth in 12 NCAC 09B .0205(b)(2)(A), (b)(2)(C), (b)(2)(E), (b)(2)(F), (b)(2)(I), (b)(3)(B), (b)(3)(D), (b)(4)(E), (b)(5)(A), (b)(6)(A), (b)(6)(B), and (b)(6)(C) shall not be required to complete those topics;
- (14) Federal law enforcement transferees other than those listed in Paragraph (13) of this Rule who have not had a break in service exceeding three years shall be evaluated to determine the amount and quality of their training and experience. At a minimum, federal law enforcement officers shall have two years' full-time, sworn law enforcement experience and have completed a basic law enforcement training course as required by their appointing federal agency. Prior to employment as a certified law enforcement officer, transferees shall complete with a passing score the employing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E .0106. At a minimum, transferees shall complete the Legal Unit in a Commission-accredited Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1) of this Subchapter and shall achieve a passing score on the State Comprehensive Examination within 12 month probationary period;

- 1 (15) Applicants with part-time experience who have a break in service in excess of one year shall
2 complete a Commission-accredited basic training program, as prescribed in Rule .0405 of this
3 Section, and shall achieve a passing score on the State Comprehensive Examination prior to
4 employment;
- 5 (16) Applicants who hold or previously held certification issued by the North Carolina Sheriffs'
6 Education and Training Standards Commission (Sheriffs' Commission) shall be subject to
7 evaluation based on the applicant's active or inactive certification status with the Sheriffs'
8 Commission. A deputy sheriff certified with the Sheriffs' Commission shall be considered active if
9 he or she has performed any law enforcement function during the previous 12 months. A deputy
10 sheriff certified with the Sheriffs' Commission shall be considered inactive if he or she has not
11 performed a law enforcement function during the previous 12 months.
- 12 (A) The Standards Division shall issue certification to an applicant holding active general
13 certification with the Sheriffs' Commission provided that the applicant:
- 14 (i) Does not have a break in service of greater than 12 months;
- 15 (ii) Has completed the mandatory in-service training requirements pursuant to 12
16 NCAC 10B .2005 for each year certification was held; and
- 17 (iii) Held active status with the Sheriffs' Commission within 12 months of the date the
18 applicant achieved a passing score on the Basic Law Enforcement Training State
19 Comprehensive Examination.
- 20 (B) The Standards Division shall issue certification to an applicant holding inactive
21 certification with the Sheriffs' Commission provided that the applicant:
- 22 (i) Holds inactive probationary or general certification with the Sheriffs'
23 Commission;
- 24 (ii) Has served a minimum of 24 months of full time sworn service or does not have
25 a break in service of greater than 12 months;
- 26 (iii) Has completed ~~the~~ any mandatory in-service training requirements pursuant to 12
27 NCAC 10B .2005, with the exception of Firearms Training and Requalification,
28 prior to certification being issued; ~~during each year certification was held~~; and
- 29 (iv) Held active status with the Sheriffs' Commission within 12 months of the date the
30 applicant achieved a passing score on the Basic Law Enforcement Training State
31 Comprehensive Examination.
- 32 (C) An applicant awarded certification with the Sheriffs' Commission by means of the Sheriffs'
33 Standards BLET Challenge as prescribed in 12 NCAC 10B .0505(6)(b) shall meet the
34 following requirements in order to obtain probationary certification from the Commission:
- 35 (i) Have a minimum of 24 months of sworn, full-time law enforcement service;
- 36 (ii) Not have a break in service of greater than 12 months; and

(iii) Have completed all mandatory in-service requirements pursuant to 12 NCAC 10B .0505 during the previous two years.

(D) An applicant who is a criminal justice officer, as defined in G.S. 17C-2(3), and who is elected Sheriff shall be reinstated by the Commission upon the conclusion of the period of service as Sheriff and in conformance with 12 NCAC 09C .0303;

(17) Alcohol law enforcement agents who received basic alcohol law enforcement training prior to November 1, 1993, and transfer to another law enforcement agency in a sworn capacity shall be subject to evaluation of their prior training and experience on an individual basis. The Standards Division staff shall determine the amount of training required of these applicants, based upon the type of certification held by the applicant and the length of any break in the applicant's sworn, full-time service;

(18) Wildlife enforcement officers who separate from employment with the Wildlife Enforcement Division and transfer to another law enforcement agency in a sworn capacity shall be subject to evaluation of their prior training and experience on an individual basis. The Standards Division staff shall determine the amount of training required of these applicants, based upon the type of certification held by the applicant and the length of any break in the applicant's sworn, full-time service;

(19) Active duty, guard, or reserve military members failing to complete all of the required annual in-service training topics, as defined in 12 NCAC 09E .0105 of this Chapter, due to military obligations are subject to the following training requirements as a condition for return to active criminal justice status. The agency head shall verify the person's completion of the appropriate training by submitting a statement, on Form F-9C, Return to Duty Request form. This form is located on the agency's website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>;

(A) Active duty members of the armed forces eligible for probationary certification pursuant to this Paragraph and active duty, guard, or reserve military members holding probationary or general certification as a criminal justice officer who fail to complete all of the required annual in-service training topics due to military obligations for up to a period of three years shall complete the previous year's required in-service training topics, the current year's required in-service training topics, and complete with a passing score the appointing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E prior to their return to active criminal justice status;

(B) Active duty, guard, or reserve military members holding probationary or general certification as a criminal justice officer who fail to complete all of the required annual in-service training topics due to military obligations for a period greater than three years shall complete the following topic areas within the following time frames:

- (i) The person shall complete the previous year's required in-service training topics, the current year's required in-service training topics, and complete the appointing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E prior to their return to active criminal justice status;
- (ii) The person shall achieve a passing score on the practical skills testing for the First Responder, Law Enforcement Driver Training, and Subject Control Arrest Techniques topics enumerated in Rule .0205(b)(5) of this Subchapter prior to returning to active criminal justice status. This practical skills testing may be completed either in a Commission-accredited Basic Law Enforcement Training course or under the instruction of a Commission-certified instructor for that particular skill. The person shall complete one physical fitness assessment in lieu of the Fitness Assessment and Testing topic. The person shall also be examined by a physician per Rule .0104(b) of this Subchapter; and
- (iii) The person shall complete some of the topics in the legal unit of instruction in the Basic Law Enforcement Training course as set forth in Rule .0205(b)(1) of this Subchapter. The required topics include Motor Vehicle Law; Juvenile Laws and Procedures; Arrest, Search and Seizure/Constitutional Law; and ABC Laws and Procedures. The person shall achieve a passing score on the appropriate topic tests for each course. The person may undertake each of these legal unit topics of instruction either in a Commission-accredited Basic Law Enforcement Training course or under the instruction of a Commission-certified instructor for that particular topic of instruction. The person shall complete each of the enumerated topics of instruction within 12 months from the beginning of his or her return to active criminal justice status; and
- (20) An active duty member of the armed forces who completes the basic training course in its entirety as prescribed in Rule .0405 of this Subchapter, annually completes the mandatory in-service training topics as prescribed in 12 NCAC 09E .0105, with the exception of the Firearms and Qualification testing requirements contained in 12 NCAC 09E .0105(a)(3) for each year subsequent to the completion of the basic training course, and achieves a passing score on the State Comprehensive Examination as prescribed in Rule .0406 of this Subchapter within five years of separating from active duty status shall be eligible for probationary certification as prescribed in 12 NCAC 09C .0303 for a period of 12 months from the date he or she separates from active duty status in the armed forces. All mandatory in-service training topics as prescribed in 12 NCAC 09E .0105 shall be completed by the individual prior to receiving probationary certification.
- (b) In the event the applicant's prior training is not equivalent to the Commission's standards, the Commission shall prescribe as a condition of certification supplementary or remedial training to equate previous training with current standards.

1 (c) If certifications issued by the Commission require satisfactory performance on a written examination as part of
2 the training, the Commission shall require the examinations for the certification.

3 (d) If an evaluation of the applicant's prior training and experience determines that required attendance in the entire
4 Basic Law Enforcement Training Course is unnecessary, the Director of the Standards Division shall determine the
5 amount of training the individual shall complete during his or her probationary period.

6 (e) The following criteria shall be used by Standards Division staff in evaluating prior training and experience of local
7 confinement personnel to determine eligibility for a waiver of training requirements:

- 8 (1) Persons who hold probationary, general, or grandfather certification as local confinement personnel
9 and separate after having completed a Commission-accredited course as prescribed in Rule .0224
10 or .0225 of this Subchapter and have been separated for one year or more shall complete a
11 subsequent Commission-accredited training course and achieve a passing score on the State
12 Comprehensive Examination during the probationary period as prescribed in Rule .0401(a) of this
13 Section;
- 14 (2) Persons who separated from a local confinement personnel position after having completed a
15 Commission-accredited course as prescribed in Rule .0224 or .0225 of this Subchapter and who
16 have been separated for less than one year shall serve a new 12 month probationary period, but shall
17 be required to complete an additional training program;
- 18 (3) Applicants who hold or previously held "Detention Officer Certification" issued by the North
19 Carolina Sheriffs' Education and Training Standards Commission shall be subject to evaluation of
20 their prior training and experience on an individual basis. No additional training shall be required
21 where the applicant obtained certification and successfully completed the required 120 hour training
22 course and has not had a break in service in excess of one year; and
- 23 (4) Persons holding certification for local confinement facilities who transfer to a district or county
24 confinement facility shall complete the course for district and county confinement facility personnel,
25 as adopted by reference in Rule .0224 of this Subchapter, and achieve a passing score on the State
26 Comprehensive Examination during the probationary period as prescribed in Rule .0401(a) of this
27 Section.

28
29 *History Note:* Authority G.S. 17C-2; 17C-6; 17C-10; 93B-15.1;
30 Eff. January 1, 1981;
31 Amended Eff. October 1, 2017; January 1, 2017; October 1, 2016; November 1, 2014; August 1,
32 2000; November 1, 1993; March 1, 1992; July 1, 1989; February 1, 1987;
33 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
34 2019;
35 Amended Eff. October 1, 2023; July 1, 2021.

1 12 NCAC 09B. 0501 is proposed for amendment as follows:

2
3 **12 NCAC 09B .0501 CERTIFICATION OF SCHOOL DIRECTORS**

4 (a) Any person designated to act as, or who performs the duties of, a School Director in the delivery or presentation
5 of a Commission-certified criminal justice training course shall be and continuously remain certified by the
6 Commission as a school director.

7 (b) To qualify for initial certification as a School Director, an applicant shall:

8 (1) ~~Attend and complete a Commission-certified instructor training course or an equivalent instructor~~
9 ~~training program as determined by the Commission (if certified after July 1, 2004);~~ Hold current
10 General Instructor certification as issued by the North Carolina Criminal Justice Education and
11 Training Standards Commission;

12 (2) Present documentary evidence showing that the applicant:

13 (A) is a high school, college, or university graduate or has received a high school equivalency
14 credential as awarded from colleges or universities accredited by the Department of
15 Education of the state in which the institution is located, from an accredited body
16 recognized by either the U.S. Department of Education or the Council for Higher Education
17 Accreditation, or from the state university of the state in which the institution is located

18 ~~recognized by the issuing state~~ and has acquired five years of practical experience as a
19 criminal justice officer or as an administrator or specialist in a field directly related to the
20 criminal justice system. At least one year of the required five years experience must have
21 been while actively participating in criminal justice training as a Commission-certified
22 instructor; or

23 (B) has been awarded an associate degree and has acquired four years of practical experience
24 as a criminal justice officer or as an administrator or specialist in a field directly related to
25 the criminal justice system. At least one year of the required four years experience must
26 have been while directly participating in criminal justice training as a Commission-certified
27 instructor; or

28 (C) has been awarded a baccalaureate degree from a regionally accredited institution of higher
29 learning;

30 (3) Attend or must have attended the most current offering of the School Director's orientation as
31 developed and presented by the Commission staff, otherwise an individual orientation with a staff
32 member shall be required; and

33 (4) Submit a written request for the issuance of such certification executed by the executive officer of
34 the institution or agency currently certified, or which may be seeking certification, by the
35 Commission to make presentation of certified training programs and for whom the applicant will be
36 the designated School Director.

(c) To qualify for certification as a School Director in the presentation of the Criminal Justice Instructor Training Course, an applicant shall:

- (1) Document that he or she has been awarded a baccalaureate degree from colleges or universities accredited by the Department of Education of the state in which the institution is located, from an accredited body recognized by either the U.S. Department of Education or the Council for Higher Education Accreditation, or from the state university of the state in which the institution is located; a regionally accredited institution of higher learning;
- (2) ~~Present evidence showing completion of a Commission-certified instructor training course or an equivalent instructor training course utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise;~~
- ~~(3)~~(2) Be currently certified as a ~~criminal justice~~ General Instructor instructor by the Commission; and
- ~~(4)~~(3) Document completion of a ~~special program~~ the Instructor Training Orientation presented by the North Carolina Justice Academy on delivery of the instructor training course and trainee evaluation.

*History Note: Authority G.S. 17C-6;
Eff. January 1, 1985;
Amended Eff. February 1, 2016; November 1, 2015; July 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. October 1, 2023.*

12 NCAC 09B .0502 is being proposed for amendment as follows:

12 NCAC 09B .0502 TERMS AND CONDITIONS OF SCHOOL DIRECTOR CERTIFICATION

(a) The term of certification as a School Director is two years from the date the Commission issues the certification, unless earlier terminated by action of the Commission. Upon application, the certification may subsequently be renewed by the Commission for three-year periods. The application for renewal shall contain documentation meeting the requirements of Rule .0501(b)(2) and (3) of this Section.

(b) To retain certification as a Basic Law Enforcement Training School Director, the School Director shall:

- (1) Participate in annual training conducted by commission staff;
- (2) Maintain and comply with the current version of the "Basic Law Enforcement Training Course Management Guide";
- (3) Maintain and ensure compliance with the current mandatory instructional materials; version of the "Basic Law Enforcement Training Instructor Notebook" assigned to each certified school; and
- (4) Perform the duties and responsibilities of a School Director as specifically required in Rule .0202 of this ~~Subchapter.~~ Subchapter; and
- (5) Hold current General Instructor Certification as issued by the North Carolina Criminal Justice Education and Training Standards Commission.

(c) To retain certification as a Speed Measuring Instrument, Instructor Training, ~~or Specialized Instructor Training, School Director, Juvenile Justice, or Diversion Investigator/Supervisor Training School Director,~~ the school director shall:

- (1) Participate in annual training conducted by commission staff;
- (2) Maintain and ensure compliance with the current version of the specific speed measuring instrument or Instructor Training notebook assigned to each certified school; and
- (3) Perform the duties and responsibilities of a School Director as specifically required in Rule .0202 of this ~~Subchapter.~~ Subchapter; and
- (4) Hold current General Instructor Certification as issued by the North Carolina Criminal Justice Education and Training Standards Commission.

(d) The Director may grant a waiver of attendance at the annual training for just cause. For purposes of this Rule, just cause means accident, illness, emergency, or other exceptional circumstances, which precluded the School Director from attending the scheduled annual training. School Directors who receive a waiver of attendance shall be required to complete a make up training session prior to the end of the calendar year in which the training requirement applies.

*History Note: Authority G.S. 17C-6;
Eff. January 1, 1985;
Amended Eff. February 1, 2016; May 1, 2014; April 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. October 1, 2023.*

1 12 NCAC 09C .0306 is being proposed for amendment as follows:

2
3 **12 NCAC 09C .0306 LATERAL TRANSFER OF LAW ENFORCEMENT OFFICERS**

4 (a) A law enforcement officer with general certification from either the Criminal Justice Education and Training
5 Standards Commission or the Sheriffs' Education and Training Standards Commission may transfer from one law
6 enforcement agency to another law enforcement agency with less than a 12 month break in law enforcement service.
7 Prior to employing the officer, the employing agency shall:

- 8 (1) verify the certification of the officer with the Criminal Justice Standards Division or the Sheriffs'
9 Standards Division;
10 (2) submit a new fingerprint check to the North Carolina State Bureau of Investigation, in compliance
11 with the requirements set forth in 12 NCAC 09B .0103(a) and (b), in the same manner as prescribed
12 for non-certified new applicants. No certification shall be transferred if the holder has been
13 convicted since initial certification of any offense for which revocation or suspension of certification
14 is authorized;
15 (3) advise the officer that he will be serving under a probationary appointment with the agency for one
16 year; and
17 (4) notify the Commission by submitting a Report of Appointment that the officer is being employed
18 and stating the date on which employment will commence; and
19 (5) complete a background investigation on all applicants for certification, as set forth in 12 NCAC 09B
20 .0102.

21 (b) Prior to transfer of certification, the law enforcement officer shall:

- 22 (1) complete a Medical History Statement Form within one year prior to the transfer to the employing
23 agency;
24 (2) submit to examination by a surgeon, physician, physician assistant, or nurse practitioner licensed to
25 practice medicine in North Carolina in the same manner prescribed for non-certified new applicants
26 in 12 NCAC 09B .0104 within one year prior to the transfer to the employing agency;
27 (3) submit results of the physical examination to the employing agency for placement in the officer's
28 permanent personnel file;
29 (4) produce a negative result on a drug screen administered according to the specifications outlined in
30 12 NCAC 09B .0101~~(5)~~(6); and
31 (5) either:
32 (A) submit a copy of the Commission's annual in-service training report form to the employing
33 agency for placement in the officer's permanent personnel file when the duty and off duty
34 weapons remain the same as those previously used to qualify. Such in-service training
35 compliance shall have occurred within the 12 month period preceding transfer; or
36 (B) satisfactorily complete the employing agency's in-service firearms training program as
37 prescribed in 12 NCAC 09E .0105 and .0106.

1 (c) Officers previously certified who were not previously required to meet the educational or basic training
2 requirements shall not be required to meet such requirements when laterally transferring to another agency with less
3 than a 12-month break in law enforcement service.

4 (d) For currently certified full time officers with no break in service, upon written request from the department head
5 of the hiring agency, the Division shall waive for a period of no more than 60-days from the receipt of the Report of
6 Appointment by the Standards Division the requirements of Subparagraphs of (b)(1), (b)(2), (b)(3), (b)(4), and (b)(5)
7 of this Rule. The Report of Appointment Form is located on the agency's website:
8 [http://www.ncdoj.gov/getdoc/64d263a3-a598-4c45-9541-04ef088cf288/F-5A-\(DJJDP\)--6-11.aspx](http://www.ncdoj.gov/getdoc/64d263a3-a598-4c45-9541-04ef088cf288/F-5A-(DJJDP)--6-11.aspx).

9
10 *History Note: Authority G.S. 17C-6; 17C-10;*
11 *Eff. January 1, 1981;*
12 *Amended Eff. April 1, 2018; October 1, 2017; May 1, 2009; July 1, 1990; March 1, 1990; July 1,*
13 *1989; July 1, 1982;*
14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
15 *2019; Amended Eff. October 1, 2023.*
16

1 12 NCAC 09G .0405 is proposed for amendment as follows:

2
3 **12 NCAC 09G .0405 CERTIFICATION OF SCHOOL DIRECTORS**

4 (a) Any person designated to act as, or who performs the duties of, a School Director in the delivery or presentation
5 of a Commission-certified corrections training course shall be and continuously remain certified by the Commission
6 as a School Director.

7 (b) To qualify for initial certification as a corrections School Director, an applicant shall:

8 (1) ~~Attend and successfully complete a Commission-certified instructor training course or an equivalent~~
9 ~~instructor training program as determined by the Commission (if certified after January 1, 2006);~~
10 Hold current General Instructor Certification as issued by the North Carolina Criminal Justice
11 Education and Training Standards Commission;

12 (2) present documentary evidence showing that the applicant:

13 (A) is a high school, college or university graduate or has received a high school equivalency
14 credential as awarded from colleges or universities accredited by the Department of
15 Education of the state in which the institution is located, or from an accredited body
16 recognized by either the U.S. Department of Education or the Council for Higher Education
17 Accreditation recognized by the issuing state and has acquired five years of practical as
18 ~~recognized by the issuing state~~ and has acquired five years of practical experience as a
19 criminal justice officer, corrections officer, or as an administrator or specialist in a field
20 directly related to the corrections system. At least one year of the required five years
21 experience must have been while actively participating in corrections training as a
22 Commission-certified instructor;

23 (B) has been awarded an associate degree from colleges or universities accredited by the
24 Department of Education of the state in which the institution is located, from an accredited
25 body recognized by either the U.S. Department of Education or the Council for Higher
26 Education Accreditation, or from the state university of the state in which the institution is
27 located ~~recognized by the issuing state~~ and has acquired four years of practical experience
28 as a criminal justice officer, corrections officer, or as an administrator or specialist in a
29 field directly related to the corrections system. At least one year of the required four years
30 experience must have been while directly participating in corrections training as a
31 Commission-certified instructor; or

32 (C) has been awarded a baccalaureate degree from colleges or universities accredited by the
33 Department of Education of the state in which the institution is located, from an accredited
34 body recognized by either the U.S. Department of Education or the Council for Higher
35 Education Accreditation, or from the state university of the state in which the institution is
36 located; ~~recognized by the issuing state a regionally accredited institution of higher~~
37 ~~learning;~~

(3) attend or have attended the most current offering of the School Director's orientation as developed and presented by the Commission staff, otherwise an individual orientation with a staff member shall be required; and

(4) submit a completed Form F-10(SD), Request for School Director Certification to the Commission for the issuance of such certification. This request shall be executed by the executive officer of the Office of Staff Development and Training of the North Carolina Department of ~~Public Safety, Division of Adult Correction and Juvenile Justice~~. The Form F-10(SD) is located on the agency's website: [http://ncdoj.gov/getdoc/f23e5e4d-d56d-4aba-af1e-44712690d5d5/F-10\(SD\)-6-11.aspx](http://ncdoj.gov/getdoc/f23e5e4d-d56d-4aba-af1e-44712690d5d5/F-10(SD)-6-11.aspx).

(c) To qualify for certification as a School Director in the presentation of the "Criminal Justice Instructor Training Course" an applicant shall:

(1) document that he or she has been awarded a baccalaureate degree from colleges or universities accredited by the Department of Education of the state in which the institution is located, from an accredited body recognized by either the U.S. Department of Education or the Council for Higher Education Accreditation, or from the state university of the state in which the institution is located ~~a regionally accredited institution of higher learning;~~

(2) ~~present evidence showing successful completion of a Commission-certified instructor training course or an equivalent instructor training program as determined by the Commission; Hold current General Instructor certification; and,~~

(3) ~~be currently certified as a criminal justice instructor by the Commission; and~~

(4)(3) document ~~successful participation in a special program~~ successful completion of Instructor Training Orientation presented by the North Carolina Justice Academy for purposes of familiarization and supplementation relevant to delivery of the instructor training course and trainee evaluation.

*History Note: Authority G.S. 17C-6;
Temporary Adoption Eff. January 1, 2001;
Temporary Adoption Expired December 20, 2001;
Temporary Adoption Eff. April 15, 2003;
Eff. April 1, 2004;
Amended Eff. February 1, 2016; January 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. October 1, 2023.*

1 12 NCAC 09G .0406 is being proposed for amendment as follows:

2
3 **12 NCAC 09G .0406 TERMS AND CONDITIONS OF SCHOOL DIRECTOR CERTIFICATION**

4 (a) The term of certification as a School Director is two years from the date the Commission issues the certification,
5 unless earlier terminated by action of the Commission. Upon application the certification may subsequently be
6 renewed by the Commission for two-year periods. The application for renewal shall contain documentation meeting
7 the requirements of 12 NCAC 09G .0405(b)(2) and (b)(3).

8 (b) To retain certification as a School Director, the School Director ~~shall perform the duties and responsibilities of a~~
9 ~~School Director as specifically required in 12 NCAC 09G .0408.~~ shall:

10 (1) Perform the duties and responsibilities of a School Director as specifically required in 12 NCAC
11 09G .0408;

12 (2) Hold current General Instructor Certification as issued by the North Carolina Criminal Justice
13 Education and Training Standards Commission; and

14 (3) Participate in annual training conducted by commission staff.

15 (c) ~~[To retain certification, School Directors must participate in annual training conducted by commission staff.]~~ The
16 Director may grant a waiver of attendance at the annual training for just cause. For purposes of this Rule, just cause
17 means accidents, illness, emergency, or other exceptional circumstances which precluded the School Director from
18 attending the scheduled annual training. School Directors who receive a waiver of attendance shall be required to
19 complete a make up training session prior to the end of the calendar year in which the training requirement applies.

20
21 *History Note: Authority G.S. 17C-6;*
22 *Temporary Adoption Eff. January 1, 2001;*
23 *Temporary Adoption Expired December 20, 2001;*
24 *Temporary Adoption Eff. April 15, 2003;*
25 *Eff. April 1, 2004;*
26 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
27 *2019; Amended Eff. October 1, 2023.*
28

1 12 NCAC 09F .0103 is being proposed for amendment as follows:

2
3 **12 NCAC 09F .0103 APPROVAL OF COURSES**

4 (a) An approved course is one that:

- 5 (1) meets or exceeds the criteria as specified in Rule .0102 of this Section;
- 6 (2) is certified or sponsored by one of the agencies listed in G.S. 14-415.12(a)(4)(a), (b), and (c); and
- 7 (3) is approved by the Commission.

8 (b) The Commission shall review and ensure that submitted courses meet or exceed the general guidelines as specified

9 in Rule .0102 of this Section.

10 (c) Courses submitted for review shall be submitted by the instructor who is to deliver the instruction by mailing the

11 course to the Commission.

12 (d) Any modification of an approved course shall be submitted for approval and approved prior to the delivery of any

13 such modified course and shall be submitted by the instructor who is to deliver the instruction by mailing the course

14 to the Commission.

15 (e) All courses are to be taught in person. Virtually delivered courses are not approved by the Commission.

16

17 *History Note: Authority G.S. 14-415.12;*

18 *Temporary Adoption Eff. November 1, 1995;*

19 *Eff. May 1, 1996;*

20 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*

21 *2019; Amended Eff. October 1, 2023.*

22

12 NCAC 09F .0104 is being proposed for amendment as follows:

12 NCAC 09F .0104 INSTRUCTOR QUALIFICATIONS

(a) To be approved to deliver the "Concealed Carry Handgun Training" course, instructors shall:

(1) hold one of the following certifications:

(a) ~~"Specific~~ "Specialized Instructor Certification-Firearms" issued by the Criminal Justice Education and Training Standards Commission (Commission);

(b) ~~Private Protective Services Firearms Trainer Certification; or~~

(e) ~~(b)~~ "Firearms Instructor Certification" in Personal Protection, Basic Pistol, or Police Firearms issued by the National Rifle Association; or

(c) "Firearms Instructor Certification – Concealed Carry and Home Defense" issued by the United States Concealed Carry Association;

(2) hold a certificate issued by the North Carolina Justice Academy showing completion of the course "Laws Governing Concealed Handgun and Use of Deadly Force"; and

(3) be eligible to receive or possess a firearm under Federal and North Carolina State Law.

(b) If the instructor fails to file with the Commission a concealed carry handgun course outline and proof of firearm's instructor certification as specified in Paragraph (a)(1) of this Rule for two consecutive years, he or she must repeat the course "Laws Governing Concealed Handgun and Use of Deadly Force" conducted by the North Carolina Justice Academy, provide to the Commission proof of a current firearms instructor certification as specified in Paragraph (a)(1) of this Rule, and maintain eligibility to possess a firearm as specified in Paragraph (a) of this Rule prior to instructing a concealed carry handgun course.

(c) The instructor shall notify the Criminal Justice Standards Division of all court orders, domestic violence orders of protection, and criminal offenses for which the instructor is charged which would prohibit the instructor from being eligible to receive or possess a firearm under Federal and North Carolina State Law. The notifications required under this Paragraph must be in writing, must specify the nature of the offense, the court in which the case is being handled, the date of arrest, court order, and domestic violence order of protection or criminal charge. The notification required under this Paragraph must be received by the Criminal Justice Standards Division within 10 days of the date of the court order, domestic violence order of protection, arrest, or criminal charge.

*History Note: Authority G.S. 14-415.12;
Temporary Adoption Eff. November 1, 1995;
Eff. May 1, 1996;
Amended Eff. November 1, 2015; September 1, 2005; May 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. October 1, 2023.*

1 12 NCAC 09F .0105 is being proposed for amendment as follows:

2
3 **12 NCAC 09F .0105 INSTRUCTOR RESPONSIBILITIES**

4 In delivering the "Concealed Carry Handgun Training" (CCH) course the instructor shall:

- 5 (1) have a valid Concealed Carry Handgun instructor certification issued by the Criminal Justice
6 ~~Standards Division;~~ Education and Training Standards Commission (Commission);
- 7 (2) file a copy of the proposed firearms course description, outline, and proof of instructor certification
8 along with a written request to conduct the "~~Concealed Carry Handgun Training~~" CCH course for
9 approval by the Commission prior to delivery of any instruction required by G.S. 14-415.12;
- 10 (3) file a copy of all modifications;
- 11 (4) be issued by Commission staff a quantity of certificates as requested by the instructor for course
12 participants that shall bear the instructor's name, the instructor's assigned number, be sequentially
13 numbered, and bear the raised seal of the Commission;
- 14 (5) if a Concealed Carry Handgun Instructor relinquishes his or her certification and wants to transfer
15 his or her assigned participants' certificates to another Concealed Carry Handgun instructor, a
16 written request shall be submitted to the Criminal Justice Standards Division (Division) Director for
17 approval. The written request shall include the following:
- 18 (a) instructor name and identification number;
- 19 (b) name of business;
- 20 (c) business phone number and email address;
- 21 (d) recipient instructor name and identification number;
- 22 (e) recipient business name;
- 23 (f) recipient business phone number, email address; and
- 24 (g) list of the assigned certificate numbers for participants to be transferred;
- 25 (6) affix the student's name to one certificate and issue that certificate to the student who successfully
26 completes the "~~Concealed Carry Handgun Training~~" CCH course;
- 27 (7) conduct the training consistent with the guidelines established in Rule .0102 of this Section;
- 28 (8) administer a written examination, that includes at a minimum questions provided by the
29 Commission, which the student shall pass with a minimum score of 70 percent on the questions
30 provided by the Commission; and
- 31 (9) administer a proficiency examination that demonstrates the student is competent in the firing and
32 safe handling of a handgun. Such examination shall include, at a minimum, the following:
- 33 (a) The student fires 30 rounds of ammunition at a bulls-eye or silhouette target from three,
34 five, and seven yard distances;
- 35 (b) At each yard distance the student shall fire a minimum ten rounds; and
- 36 (c) 21 of the 30 rounds fired by the student hit the target.

- (d) For safety purposes, steel or metal targets will not be used at distances less than 10 yards from the target.
- (10) Not fewer than 30 days before commencing delivery of the course, submit to the Commission a Pre-Delivery Report of Training Course Presentation [Form F-10A (CCH)] with the following information:
- (a) Instructor(s) name(s)
 - (b) Type of course (NCJA model, NRA, or USCCA as approved by the Commission)
 - (c) Date and location of course
 - (d) Hours of course (minimum of 8 hours)
 - (e) Anticipated number of students
- (11) Not more than 10 days after course completion, submit to the Commission a Post-Delivery Report [Form F-10B(CCH)] containing the following information:
- (a) Instructor(s) name(s), if changes were made
 - (b) Actual number of attendees
- (12) Maintain a roster of all students completing each CCH course in compliance with the North Carolina Department of Natural and Cultural Resources Retention and Disposition Schedule established pursuant to G.S. 121-4 and G.S. 132-8.1. This roster must include, at a minimum, each student's legal name and contact information. The instructor must be able to produce the student list for inspection by Division staff for audit purposes.
- (13) Provide each student with a current copy of the "Concealed Carry Handgun Training" (Red book) manual as published by the North Carolina Justice Academy. The contents of this manual must be included in the curriculum for the CCH course. Copies of this publication may be inspected at the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27602

and may be purchased at the cost of printing and postage from the Academy at the following address:

North Carolina Justice Academy
Post Office Drawer 99
Salemburg, NC 28385

1 *History Note: Authority G.S. 14-415.12; 14-415.13;*
2 *Temporary Adoption Eff. November 1, 1995;*
3 *Eff. May 1, 1996;*
4 *Amended Eff. April 1, 2018; May 1, 2004;*
5 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
6 *2019;*
7 *Amended Eff. October 1, 2023; January 1, 2020; August 1, 2019.*