

1 **12 NCAC 09A .0205 is amended, with changes, as published in 38:05 NCR 258-267**

2  
3 **12 NCAC 09A .0205 PERIOD OF SUSPENSION: REVOCATION: OR DENIAL**

4 (a) When the Commission revokes or denies the certification of a criminal justice officer, the period of the sanction  
5 shall be permanent where the cause of sanction is:

- 6 (1) commission or conviction of a felony offense, except as provided by G.S. 17C-13(a);
- 7 (2) commission or conviction of a criminal offense for which punishment is authorized by law to  
8 included imprisonment for more than two years, except as provided by G.S. 17C-13(a); or
- 9 (3) the second suspension of an officer's certification for any of the causes requiring a five-year period  
10 of suspension pursuant to 12 NCAC 09A .0204.

11 (b) When the Commission suspends or denies the certification of a criminal justice officer, the period of sanction  
12 shall be not less than five years; however, the Commission **may shall** reduce or suspend the period of sanction or  
13 substitute a period of probation in lieu of suspension of certification, or impose a combination of reduction, suspension,  
14 or probation as determined on a case-by-case basis following a consent order or an administrative hearing, where the  
15 cause of sanction is:

- 16 (1) commission or conviction of a criminal offense other than those listed in Paragraph (a) of this Rule;
- 17 (2) refusal to submit to the applicant or lateral transferee drug screen required by these Rules;
- 18 (3) production of a positive result on a drug screen reported to the Commission under 12 NCAC 09C  
19 .0310, where the positive result cannot be explained to **[be in compliance with the law; the**  
20 **satisfaction of the agency's Medical Review Officer, who shall be a licensed physician;]**
- 21 (4) material misrepresentation of any information required for certification or accreditation;
- 22 (5) obtaining, attempting to obtain, aiding another person to obtain, or aiding another person to attempt  
23 to obtain credit, training or certification by any means of false pretense, deception, **defraudation,**  
24 **fraud,** misrepresentation or cheating;
- 25 (6) failure to make either of the notifications as required by 12 NCAC 09B .0101(8); **[.0101; .0101(13);**
- 26 (7) removal from office under the provisions of G.S. 128-16 or the provisions of G.S. 14-230;
- 27 (8) performing activities or duties for which certification by the Commission is required without having  
28 first obtained the appropriate certification; or
- 29 (9) commission or conviction of four or more crimes or unlawful acts defined as "Class B  
30 misdemeanors" in 12 NCAC 09A .0103(24)(b), regardless of the date of conviction.

31 (c) When the Commission suspends or denies the certification of a criminal justice officer, the period of sanction  
32 shall be for an indefinite period, but continuing so long as the stated deficiency, infraction, or impairment continues  
33 to exist, where the cause of sanction is:

- 34 (1) failure to meet or satisfy relevant basic training requirements pursuant to 12 NCAC 09B .0205,  
35 .0225, .0235, and 0236;
- 36 (2) failure to meet or maintain the minimum standards of employment pursuant to 09B .0101, .0111,  
37 .0114, .0116, .0117;

- 1 (3) discharge from a criminal justice agency for impairment of physical or mental capabilities; or
- 2 (4) failure to meet or satisfy the in-service training requirements as prescribed in 12 NCAC 09E.

3

4 *History Note: Authority G.S. 17C-6; 17C-10;*  
5 *Eff. January 1, 1981;*  
6 *Amended Eff. February 1, 2006; August 1, 2001; November 1, 1993; July 1, 1990; July 1, 1989;*  
7 *October 1, 1985;*  
8 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
9 *2019;*  
10 *Amended Eff. March 1, 2024; January 1, 2022; July 1, 2020.*  
11

1 **12 NCAC 09A .0206 is proposed for amendment as follows:**

2  
3 **12 NCAC 09A .0206 SUMMARY SUSPENSIONS**

4 (a) The Commission, by and through the Probable Cause Committee, ~~may shall~~ summarily suspend the certification  
5 of a criminal justice officer or instructor before the commencement of proceedings for suspension or revocation of the  
6 certification if the public health, safety, or welfare requires action pursuant to G.S. 150B-3. The Commission has  
7 determined that the following conditions specifically affect the public health, safety, or welfare and therefore it, by  
8 and through the Probable Cause Committee, ~~as outlined in 12 NCAC 09A .0201, may shall~~ summarily suspend a  
9 certification of a criminal justice officer if:

- 10 (1) the person has committed or been convicted of a violation of the criminal code that would require a  
11 permanent revocation or denial of certification;
- 12 (2) the certified officer fails to complete the in-service training requirements as prescribed in 12 NCAC  
13 09E; or
- 14 (3) the certified officer has produced a positive result on a urinalysis test, conducted in accordance with  
15 12 NCAC ~~09B .0101(5) [ .0101. ]~~ 09C .0310:

16 (b) For the purpose of considering a summary suspension of certification, the Probable Cause Committee shall meet  
17 only upon notice given by mail, telephone, or other means not less than 48 hours in advance of the meeting.

18 (c) A summary suspension shall be effective on the date specified in the order of summary suspension or upon service  
19 of the certified copy of the order at the last known address of the person, whichever is later. The summary suspension  
20 shall remain effective during the ~~proceedings for suspension and revocation, proceedings.~~

21 (d) The Director, upon receipt of information showing the existence of a basis for summary suspension provided for  
22 in Subparagraph (a)(1), (2), or (3) of this Rule, shall coordinate the meeting described in Paragraph (b) of this Rule.  
23 All affected persons shall be notified that the person may submit any pertinent matters to the Probable Cause  
24 Committee for its consideration before the Committee acts on the summary suspension issue. No person shall be  
25 allowed more than 48 hours to submit information to the Probable Cause Committee.

26 (e) Upon oral notification by the Director that the certification of an officer or instructor is being summarily suspended  
27 by written order, ~~the Department Head of the Criminal Justice Agency or the executive officer of the institution shall~~  
28 ~~ensure that~~ the officer or instructor ~~shall does~~ not perform duties requiring certification by the Commission.

29 (f) The Commission, by and through the Director, upon determining that a Commission-certified Concealed Carry  
30 Handgun Instructor has conducted a concealed carry handgun training course as mandated by G.S. 14-415.12(a)(4)  
31 that is not in compliance with 12 NCAC 09F .0102 ~~and negatively affects the public safety and welfare~~ shall do the  
32 following until such time as the training course has been brought into compliance or reported to the Probable Cause  
33 Committee for action:

- 34 (1) summarily suspend the Concealed Carry Handgun Instructor certification, prohibiting him or her  
35 from delivering concealed carry handgun training until the Director determines the training program  
36 is brought into compliance with 12 NCAC 09F .0102 and 12 NCAC 09F .0105 of this Chapter; and

1 (2) inform the instructor that he or she may appeal the Director's suspension by requesting, in writing,  
2 a formal hearing before the Probable Cause Committee at the next scheduled Commission meeting.

3 (g) The Commission, by and through the Director, upon determining that a Commission-certified instructor has  
4 conducted a Commission-approved training course in a way that was not in accordance with the requirements of this  
5 Chapter or has conducted a Commission-approved training course while being in violation of the instructor's minimum  
6 standards as outlined in 12 NCAC 09B .0301 shall do the following until such time as the training course or his or her  
7 instructor certification has been brought into compliance:

8 (1) summarily suspend the individual's Instructor's certification, prohibiting him or her from delivering  
9 Commission approved training until the noncompliance is remedied; and

10 (2) the Director shall send a report of all summary suspensions for a formal hearing before the Probable  
11 Cause Committee at the next scheduled Commission meeting.

12 (h) The Commission, by and through the Director, upon determining a Commission-certified instructor has been  
13 alleged to have violated a certification rule as outlined in this Chapter shall do the following:

14 (1) summarily suspend the individual's Instructor's certification, prohibiting him or her from delivering  
15 Commission approved training until the matter is resolved; and

16 (2) the Director shall send a report of all summary suspensions for a formal hearing before the Probable  
17 Cause Committee at the next scheduled Commission meeting.

18 (i) A summary suspension shall be effective on the date specified in the order of summary suspension or upon service  
19 of the certified copy of the order at the last known address of the person, whichever is later. The summary suspension  
20 shall remain effective during the ~~proceedings~~ proceedings for suspension or revocation.

21 (j) The Commission, by and through the Director, upon determining that a criminal justice officer who was issued a  
22 waiver of the requirements of 12 NCAC 09C .0306 has not met those requirements within 60 days of being awarded  
23 general certification by the Commission, shall summarily suspend the officer's certification until the officer meets the  
24 requirements of 12 NCAC 09C .0306.

25  
26 *History Note: Authority G.S. 17C-6; 17C-10; 150B-3;*  
27 *Eff. January 1, 1981;*  
28 *Amended Eff. October 1, 2017; February 1, 2016; December 1, 2007; March 1, 2004; July 1, 1990;*  
29 *July 1, 1989; October 1, 1985; August 15, 1981;*  
30 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
31 *2019;*  
32 *Amended Eff. August 1, 2021.*  
33 *Amended Eff. October 1, 2023*  
34 *Amended Eff. March 1, 2024*  
35

1 **12 NCAC 09B .0103 is amended as published in 38:05 NCR 258-267**

2  
3 **12 NCAC 09B .0103 FINGERPRINT CRIMINAL HISTORY RECORD CHECK**

4 (a) Each applicant for certification shall submit electronic fingerprints in the Statewide Automated Fingerprint  
5 Identification System (SAFIS).

6 (b) The employing agency shall forward the applicant's fingerprints to the North Carolina State Bureau of  
7 Investigation for a criminal history record check utilizing fingerprints against State and federal files.

8 (c) The employing agency will receive a report of the results of the criminal history record check utilizing fingerprints  
9 against State and federal files. The employing agency shall retain the results of the criminal history record check  
10 utilizing fingerprints in compliance with the North Carolina Department of Natural and Cultural Resources Retention  
11 and Disposition Schedule established pursuant to G.S. 121-4 and G.S. 132-8.1. The employing agency shall include  
12 the results of the fingerprint criminal history record check with the applications submitted to the Commission.

13 (d) Each applicant for certification and certified criminal justice officers shall also submit electronic fingerprints,  
14 other identifying information required by the State and National Repositories of Criminal Histories, and any other  
15 information required by the State Bureau of Investigation for their enrollment in the Federal Bureau of Investigation's  
16 Next Generation Identification (NGI) System and Criminal Justice Record of Arrest and Prosecution Background  
17 (RapBack) Service.

18 ~~(d)~~(e) Pursuant to 12 NCAC 09C .0303(a), an applicant for certification as a law enforcement officer may not perform  
19 any action requiring certification by the Commission prior to the date on which the employing agency receives the  
20 report of the results of the criminal history record check utilizing fingerprints.

21  
22 *History Note: Authority G.S. 17C-6; 17C-10;*  
23 *Eff. January 1, 1981;*  
24 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
25 *2019;*  
26 *Amended Eff. January 1, 2024; October 1, 2022.*  
27

1 12 NCAC 09B .0235 is amended, with changes, as published in 38:05 NCR 258-267

2  
3 12 NCAC 09B .0235 BASIC TRAINING – JUVENILE COURT COUNSELORS AND CHIEF COURT  
4 COUNSELORS

5 ~~(a) The basic training course for Juvenile Court Counselors and Chief Court Counselors shall consist of a minimum~~  
6 ~~of 151 121 hours of instruction designed to provide the trainee with the skills and knowledge to perform those tasks~~  
7 ~~essential to function as a Juvenile Court Counselor and a Chief Court Counselor.~~

8 (a) The Juvenile Court Counselors and Chief Court Counselors training course shall consist of a minimum of 119  
9 hours of classroom and practical skills instruction.

10 (b) Each basic training course for Juvenile Court Counselors shall include training in the following topic areas:

11 (1) Juvenile Justice Common Core:

12 (A) Basic Individual Counseling Skills	8 <u>6</u> hours
13 (B) Interpersonal Communication Skills	8 <u>6</u> hours
14 (C) Working with Families	3 hours
15 (D) Characteristics of Delinquents	4 hours
16 <del>(E) Unlawful Workplace Harassment</del>	<del>2 hours</del>
17 <del>(F) Career Survival: Integrity and Ethics in the North Carolina</del> 18 <del>Department of Public Safety Workplace</del>	<del>2 hours</del>
19 <del>(G)</del> <u>(E) Staff and Juvenile Relationships Relationships: Maintaining</u> 20 <u>Professional Boundaries</u>	4 hours
21 <del>(H)</del> <u>(F) Gang Awareness</u>	4 <u>2</u> hours
22 <del>(I)</del> <u>(G) Situational Awareness and Risk Assessment</u>	4 hours
23 <del>(J)</del> <u>(H) Restraints, Controls, and Defensive Techniques</u>	28 hours
24 <del>(K)</del> <u>(I) Mechanical Restraints</u>	4 hours
25 <del>(L)</del> <u>(J) Mental Health Youth Mental Health First-Aid</u>	8 hours
26 <del>(M) CPR</del>	<del>4 hours</del>
27 <del>(N) First Aid</del>	<del>4 hours</del>
28 <del>(O) Employee Fitness and Wellness</del>	<del>4 hours</del>
29 <del>(P)</del> <u>(K) Trauma and Delinquents</u>	6 hours
30 <del>(Q)</del> <u>(L) Driver and Secure Transport Safety</u>	8 <u>4</u> hours
31 <del>(R)</del> <u>(M) DMC – Addressing DMC within the JJ System Racial and Ethnic</u> 32 <u>Disparities (RED) – Addressing RED within the Juvenile Justice</u> 33 <u>System</u>	2 hours
34 <del>(S)</del> <u>(N) Verbal De-escalation for Juvenile Justice</u>	4 <u>2</u> hours
35 Total Hours	<del>111</del> <u>83</u> hours

36 (2) Juvenile Court Counselor Specific:

37 (A) Roles and Responsibilities Statutory Responsibilities and

1		<u>Requirements of Juvenile Court Counselors</u>	8 <del>6</del> hours
2	(B)	Juvenile Law	8 hours
3	(C)	<u>Intake Intake, Supervision and Services</u>	8 hours
4	(D)	Assessing Risk and Needs	4 <del>6</del> hours
5	(E)	Report Writing and Documentation	12 <del>8</del> hours
6		Total Hours	40 <del>38</del> <u>36</u> hours
7		Total Course Hours	151 <del>121</del> <u>119</u> hours

~~(c) The "Juvenile Court Counselor Basic Training Manual" as published by the North Carolina Department of Public Safety shall be applied as the curriculum for delivery of Juvenile Court Counselor basic training courses. Copies of this publication may be inspected at or purchased at the cost of printing and postage from the office of the agency:~~

~~The Office of Staff Development and Training~~

~~[Division of Juvenile Justice and Delinquency Prevention]~~

~~North Carolina Department of Public Safety~~

~~2211 Schieffelin Road [3010 Hammond Business Place]~~

~~Apex, North Carolina 27502~~

~~[Raleigh, North Carolina 27603]~~

~~(d)(c) Upon completion of a Commission-certified training course for Juvenile Court Counselors and Chief Court Counselors, the Director of the school conducting the course shall notify the Commission of training completion by submitting a Report of Training Course Completion for each trainee. The Report of Training Course Completion, F-11, identifies the student, student's social security number, date of birth, employing agency, position, date of appointment, and course information, to include title of course, location course was conducted at, the dates the course began and ended, the hours the course was conducted, number of instructional contact hours, and name of certifying official regarding the successful completion of the training course. The Report of Training Completion Form is located on the agency's website: <http://www.ncdoj.gov/getattachment/fbf3480e-05a1-4e0e-a81a-04070dea6199/F-11-Form-10-2-14.pdf.aspx>.~~

~~(e)(d) Employees of the Division of Adult Correction and Juvenile Justice and Delinquency Prevention who have completed the minimum 151 ~~121~~ 119 hour training program accredited by the Commission pursuant to Rule .0236 of this Section after January 1, 2013 who transfer from a Juvenile Justice Officer position to a Juvenile Court Counselor position shall be required to complete only the portions of the course identified as specific to the duties and responsibilities of a Juvenile Court Counselor under Subparagraph (b)(2) of this Rule.~~

*History Note: Authority G.S. 17C-2; 17C-6; 17C-10;  
Temporary Adoption Eff. April 15, 2003;  
Eff. April 1, 2004;  
Amended Eff. July 1, 2017; July 1, 2016; August 1, 2015; May 1, 2014;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. January 1, 2022.  
Amended Eff. March 1, 2024*

12 NCAC 09B .0236 is amended, with changes, as published in 38:05 NCR 258-267

**12 NCAC 09B .0236 BASIC TRAINING - JUVENILE JUSTICE OFFICERS**

~~(a) The basic training course for Juvenile Justice Officers shall consist of a minimum of 151 117 hours of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function as a juvenile justice officer.~~

a) The Juvenile Justice Officer training course shall consist of a minimum of 117 hours of classroom and practical skills instruction.

(b) Each basic training course for Juvenile Justice Officers shall include training in the following identified topic areas:

- (1) Juvenile Justice Common Core:
  - (A) Basic Individual Counseling Skills 8 ~~6~~ hours
  - (B) Interpersonal Communication Skills 8 ~~6~~ hours
  - (C) Working with Families 3 hours
  - (D) Characteristics of Delinquents 4 hours
  - ~~(E) Unlawful Workplace Harassment 2 hours~~
  - ~~(F) Career Survival: Integrity and Ethics in the North Carolina Department of Public Safety Workplace 2 hours~~
  - ~~(G)~~(E) Staff and Juvenile Relationships Relationships: Maintaining Professional Boundaries 4 hours
  - ~~(H)~~(F) Gang Awareness 4 ~~2~~ hours
  - ~~(I)~~ (G) Situational Awareness and Risk Assessment 4 hours
  - ~~(J)~~ (H) Restraints, Controls, and Defensive Techniques 28 hours
  - ~~(K)~~ (I) Mechanical Restraints 4 hours
  - ~~(L)~~ (J) Mental Health Youth Mental Health First-Aid 8 hours
  - ~~(M)~~ CPR 4 hours
  - (N) First Aid 4 hours
  - ~~(O)~~ Employee Fitness and Wellness 4 hours
  - ~~(P)~~(K) Trauma and Delinquents 6 hours
  - ~~(Q)~~(L) Driver and Secure Transport Safety 8 ~~4~~ hours
  - ~~(R)~~(M) DMC Addressing DMC within the JJ System Racial and Ethnic Disparities (RED) – Addressing RED within the Juvenile Justice System 2 hours
  - ~~(S)~~(N) Verbal De-escalation for Juvenile Justice 4 ~~2~~ hours
  - Total Hours 117 ~~83~~ hours
- (2) Juvenile Justice Officer Specific:
  - (A) Treatment Program Operations 4 hours



1	(B)	Maintaining Documentation of Activities and Behaviors	8 hours
2	(C)	Basic Group Leadership Skills	8 <del>4</del> hours
3	(D)	Effective Behavior Management	10 hours
4	(E)	Health Services Overview	2 hours
5	(F)	Contraband and Search Techniques	2 hours
6	(G)	Suicide Prevention and Response	6 <del>4</del> hours
7		Total Hours	40 <del>34</del> hours
8		Total Course Hours	151 <del>117</del> hours

9 ~~(e)~~ The "Juvenile Justice Officer Basic Training Manual" as published by the North Carolina Department of Public  
10 Safety shall be applied as the curriculum for delivery of Juvenile Justice Officer basic training courses. Copies of this  
11 publication may be inspected at or purchased at the cost of printing and postage from the office of the agency:

12 The Office of Staff Development and Training

13 [Division of Juvenile Justice and Delinquency Prevention]

14 North Carolina Department of Public Safety

15 2211 Schieffelin Road [3010 Hammond Business Place]

16 Apex, North Carolina 27502 [Raleigh, North Carolina 27603]

17 ~~(d)~~ (c) Upon completion of a Commission-certified training course for Juvenile Justice Officers the Director of the  
18 school conducting the course shall notify the Commission of the training completion by submitting a Report of  
19 Training Course Completion for each trainee. The requirements for completion of the Report of Training Course  
20 Completion, F-11, is outlined in 12 NCAC 09B .0235. The Report of Training Completion Form is located on the  
21 agency's website: [http://www.ncdoj.gov/getattachment/fbf3480e-05a1-4e0c-a81a-04070dea6199/F-11-Form-10-2-](http://www.ncdoj.gov/getattachment/fbf3480e-05a1-4e0c-a81a-04070dea6199/F-11-Form-10-2-14.pdf.aspx)  
22 14.pdf.aspx.

23 ~~(e)~~ (d) Employees of the Division of ~~Adult Correction and~~ Juvenile Justice and Delinquency Prevention who have  
24 completed the minimum ~~151~~ 117 hour training program accredited by the Commission under Rule .0235 of this  
25 Section after January 1, 2013 who transfer from a Juvenile Court Counselor position to a Juvenile Justice Officer  
26 position shall be required to complete only the portions of the course identified as specific to the duties and  
27 responsibilities of a Juvenile Justice Officer pursuant to Subparagraph (b)(2) of this Rule.

28  
29 *History Note: Authority G.S. 17C-2; 17C-6; 17C-10;*  
30 *Temporary Adoption Eff. April 15, 2003;*  
31 *Eff. April 1, 2004;*  
32 *Amended Eff. March 1, 2024; July 1, 2017; July 1, 2016; August 1, 2015; May 1, 2014;*  
33 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
34 *2019.*  
35

2  
3 SECTION .0300 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE INSTRUCTORS

4  
5 12 NCAC 09B .0301 CERTIFICATION OF INSTRUCTORS

6 (a) A person participating in a Commission-certified criminal justice training course or program as an instructor,  
7 teacher, professor, lecturer, or other participant making presentations to the class shall first be certified by the  
8 Commission as an instructor.

9 (b) The Commission shall certify instructors under the following categories: General Instructor Certification,  
10 Specialized Instructor Certification, or Professional Lecturer Certification as outlined in Rules .0302, .0304 and .0306  
11 of this Section. Instructor certification shall be granted on the basis of documented qualifications of experience,  
12 education, and training in accordance with the requirements of this Section and as stated on the applicant's Request  
13 for Instructor Certification Form: Application for Instructor or Professional Lecturer Certification, F-12. The  
14 Application for Instructor or Professional Lecturer F-12 shall contain:

- 15 (1) name of applicant/instructor;
- 16 (2) address, phone, email address, date of birth, age, last 4 of Social Security Number, and Acadis  
17 number;
- 18 (3) current agency/firm, status (Retired, Civilian, Sworn), agency address, and business phone number;
- 19 (4) type of instructor certification applying for;
- 20 (5) supporting documents for specific certification sought;
- 21 (6) highest education level, school attended, school location, and graduation date;
- 22 (7) criminal justice experience;
- 23 (8) signature of applicant/instructor;
- 24 (9) school, course title, hours taught, course date(s) and whether course was a requirement of Mandatory  
25 In-Service Training; and
- 26 (10) signature of certifying School Director or In-Service Training Coordinator, school or agency, phone  
27 number, and email address.

28 (c) In addition to all other requirements of this Section, each instructor certified by the Commission to teach in a  
29 Commission-certified course shall remain competent in his or her specialized areas. Such competence shall include  
30 remaining current in the instructor's area of expertise, which shall be demonstrated by attending and completing all  
31 updated instructor training courses required by the Commission.

32 (d) If a person certified as an instructor by the Commission is found to have has knowingly and willfully violated any  
33 provision or requirement of the rules in this Subchapter, the Commission shall take action to correct the violation and  
34 to ensure that the violation does not recur, including; recur. The following action shall be taken by the Commission:

- 35 (1) issuing issue an oral warning and request for compliance; or
- 36 (2) issuing issue a written warning and request for compliance; or
- 37 (3) issuing issue an official written reprimand; or
- 38 (4) suspending suspend the individual's certification for a specified period of time or until acceptable  
39 corrective action is taken by the individual; and no more than three years; and or

- 1 (5) ~~revoking~~ revoke the individual's certification.
- 2 (e) The Commission shall deny, suspend, or revoke an instructor's certification when the Commission finds that the
- 3 person:
- 4 (1) has failed to meet and maintain any of the requirements for qualification;
- 5 (2) has failed to remain competent in the person's areas of expertise;
- 6 (3) has failed to deliver training in a manner consistent with the instructor lesson plans outlined in the
- 7 "Instructor Training Manual" as found in Rules .0209 and .0205 of this Subchapter;
- 8 ~~(4) has failed to follow specific guidelines outlined in the "Basic Law Enforcement Training Course~~
- 9 ~~Management Guide" as found in Rule .0205 of this Subchapter;~~
- 10 ~~(5)~~ (4) has demonstrated "unprofessional personal" conduct in the delivery of Commission approved or
- 11 mandated training. For the purposes of this Subparagraph, unprofessional personal conduct is
- 12 identified as:
- 13 (A) job-related conduct that constitutes a violation of state or federal law;
- 14 (B) a conviction or commission of a criminal offense, as set out in 12 NCAC 09A .0204;
- 15 (C) the willful violation of rules of this Chapter;
- 16 (D) conduct that is detrimental to instruction in the Commission's mandated courses. Conduct
- 17 is "detrimental to instruction" if the conduct is demeaning or disruptive to the learning
- 18 environment;
- 19 (E) the physical or verbal abuse of a client or student who the instructor is teaching or
- 20 supervising; or
- 21 (F) falsification of an instructor application or other employment documentation;
- 22 ~~(6)~~ (5) is an instructor, School Director, or Qualified Assistant and is involved in the instruction of (for
- 23 instructors) or oversight of (for School Directors and Qualified Assistants) a student with whom the
- 24 instructor, School Director, or Qualified Assistant has a close personal relationship such as, familial,
- 25 financial, dating, or sexual, even if consensual; and fails to take immediate and appropriate
- 26 corrective action. Appropriate corrective action requires the instructor, School Director, or Qualified
- 27 Assistant to notify his or her managing personnel in writing of the relationship and requires the
- 28 instructor, School Director, or Qualified Assistant to stop instructing or overseeing the student with
- 29 whom the relationship ~~exists:~~ exists. The written notice to managing personnel shall be submitted
- 30 to the Criminal Justice Standards Division within 10 days upon receipt and shall include:
- 31 (A) school/agency name;
- 32 (B) name of course;
- 33 (C) name of instructor, School Director, or Qualified Assistant;
- 34 (D) name of student;
- 35 (E) name of managing personnel;
- 36 (F) nature of the relationship; and

1 (G) explanation of action taken to ensure the named instructor, School Director, or Qualified  
2 Assistant is not in violation of this Rule;

3 (A) the written notice to managing personnel shall include:

4 (i) school/agency name;

5 (ii) name of course;

6 (iii) name of the instructor, School Director, or Qualified Assistant;

7 (iv) name of student;

8 (v) name of managing personnel; and

9 (vi) nature of the relationship;

10 (vii) explanation of action taken to ensure the named instructor, School Director, or  
11 Qualified Assistant is not in violation of this Rule;

12 (B) the written notice from the school/agency managing personnel to the Standards Division  
13 shall be submitted within 10 days of receipt of notice from the instructor, School Director,  
14 or Qualified Assistant and shall include:

15 (i) school/agency name;

16 (ii) name of course;

17 (iii) name of the instructor, School Director, or Qualified Assistant;

18 (iv) name of student;

19 (v) name of managing personnel;

20 (vi) nature of the relationship; and

21 (vii) explanation of action taken to ensure the named instructor, School Director, or  
22 Qualified Assistant is not in violation of this Rule;

23 (7) has demonstrated instructional incompetence;

24 (8) (6) has knowingly and willfully obtained or attempted to obtain instructor certification by deceit, fraud,  
25 or misrepresentation;

26 (9) (7) has failed to meet or maintain good moral character as defined in: In re Willis, 288 N.C. 1, 215 S.E.2d  
27 771, appeal dismissed, 423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E.2d 854 (1940); In  
28 re Legg, 325 N.C. 658, 386 S.E. 2d 174 (1989); In re Applicants for License, 143 N.C. 1, 55 S.E.  
29 635 (1906); In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538,  
30 308 S.E.2d 647 (1983); and later court decisions that cite these cases as authority, and as required  
31 to discharge the duties of a criminal justice instructor;

32 (10) (8) has failed to deliver training in a manner consistent with the Qualified Retired Law Enforcement  
33 Officers Firearms Qualification Certification Program as found in 12 NCAC 09H .0102;

34 (11) (9) has knowingly and willfully aided or attempted to aid any person in obtaining qualification or  
35 certification under the Qualified Retired Law Enforcement Officers Firearms Qualification  
36 Certification Program by deceit, fraud, or misrepresentation;

1 ~~(12)~~ (10) has committed or been convicted of an offense that could result in the denial, suspension, or  
2 revocation of an officer's law enforcement certification, pursuant to 12 NCAC 09G .0504; or

3 ~~(13)~~ (11) has knowingly made a material misrepresentation of any information required for certification or  
4 accreditation.

5 (f) When a person certified as a law enforcement criminal justice officer by the North Carolina Criminal Justice  
6 Education and Training Standards Commission (Commission), the North Carolina Sheriffs Education and Training  
7 Standards Commission (Sheriffs' Commission), the North Carolina Department of Insurance, Office of State Fire  
8 Marshal, Fire Rescue Commission (Fire Commission), Office of Emergency Medical Services or the North Carolina  
9 Company/Campus Police Program; Program, or a North Carolina, out of state or federal approving, certifying or  
10 licensing agency; has been denied certification or had his or her certification suspended or revoked by their respective  
11 Commission, or agency a North Carolina, out of state or federal approving, certifying or licensing agency, the State  
12 or local law enforcement certified criminal justice officer shall report the suspension or revocation to the Criminal  
13 Justice Standards Division within five days. The General Instructor Certification (if applicable) shall be automatically  
14 suspended or revoked for the same time period as his or her respective Commission certification in accordance with  
15 the following:

16 (1) this suspension or revocation of the General Instructor certification shall also include suspension or  
17 revocation to any Commission recognized specialized or additional instructor certification, as  
18 outlined in Rule .0304 of this Section;

19 (2) if the term of suspension or revocation exceeds the expiration date of the instructor's initial  
20 certification expiration date, he or she shall forfeit their certifications as a General Instructor and  
21 Specialized Instructor and shall be required to obtain certification pursuant to the requirements of  
22 Rule .0302 of this Section before any instruction may be delivered in any Commission approved or  
23 mandated training, including the completion of a subsequent General Instructor's training Instructor  
24 Training course in its entirety; and

25 (3) if the term of suspension or revocation does not exceed the expiration date of the instructor's initial  
26 certification expiration date, the instructor shall be reinstated as a General Instructor only upon  
27 reinstatement of his or her law enforcement officer certification by the Commission. The terms of  
28 renewal for the existing General Instructor and Specialized Instructor certifications shall remain  
29 subject to all renewal requirements pursuant to Rule .0303(d) of this Section by the next expiration  
30 date.

31 (g) Any instructor whose criminal justice officer certification or power to make arrests is suspended or revoked by  
32 the federal government, State of North Carolina or any subdivisions thereof, or by any other State or any subdivisions  
33 thereof, shall report the suspension or revocation to the Commission within five days of the officer's receipt of notice  
34 of the revocation or suspension.

35 (h) Criminal justice officers certified as a General Instructor as outlined in 12 NCAC 09B .0301 shall have their  
36 general instructor certification automatically suspended or revoked for the same time period as his or her respective  
37 Commission criminal justice certification. The suspension or revocation of the general instructor certification shall

1 also include suspension or revocation to any Commission recognized specialized or additional instructor certification,  
2 as outlined in Rule .0304 of this Section. ~~The General Instructor Certification (if applicable) shall be automatically~~  
3 ~~suspended or revoked for the same time period as his or her respective Commission certification in accordance with~~  
4 ~~the following:~~

5 ~~this suspension or revocation of the General Instructor certification shall also include suspension or revocation to any~~  
6 ~~Commission recognized specialized or additional instructor certification, as outlined in Rule .0304 of this~~  
7 ~~Section;~~

8 (i) Any applicant for instructor certification whose criminal justice officer certification or power to make arrests has  
9 been denied, suspended, or revoked at any time by the federal government, State of North Carolina or any subdivisions  
10 thereof, or by any other State or any subdivisions thereof, shall report the suspension or revocation to the Commission  
11 at the time the application is submitted. This requirement is not withstanding any subsequent reinstatement of the  
12 certification or power to make arrests.

13  
14  
15  
16 *History Note: Authority G.S. 17C-6;*  
17 *Eff. January 1, 1981;*  
18 *Amended Eff. December 1, 2018; October 1, 2017; October 1, 2009; August 1, 2004; April 1, 1999;*  
19 *July 1, 1991; January 1, 1985;*  
20 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
21 *2019;*  
22 *Amended Eff. March 1, 2024; October 1, 2020; August 1, 2019.*  
23

1 12 NCAC 09C .0306 is amended, with changes, as published in 38:05 NCR 258-267

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, an officer who has been separated from his previous agency for more than 30 days,~~ the  
8 employing agency shall:

- 9 (1) verify the certification of the officer with the Criminal Justice Standards Division or the Sheriffs'  
10 Standards Division;
- 11 (2) submit a new fingerprint check to the North Carolina State Bureau of Investigation, in compliance  
12 with the requirements set forth in 12 NCAC 09B .0103(a) and (b), in the same manner as prescribed  
13 for non-certified new applicants. No certification shall be transferred if the holder has been  
14 convicted since initial certification of any offense for which revocation or suspension of certification  
15 is authorized; and
- 16 ~~(3) advise the officer that he will be serving under a probationary appointment with the agency for one~~  
17 ~~year; and~~
- 18 ~~(4)(3)~~ notify the Commission by submitting a Report of Appointment that the officer is being employed  
19 and stating the date on which employment will ~~commence~~, commence; and
- 20 ~~(4)~~ obtain a signed and notarized Release Authorization Form from the transferring officer. The  
21 employing agency shall obtain the full personnel file from the previous agency(ies) worked during  
22 the previous 24 months and include this content in the background file, minus any medically  
23 protected or sensitive material; and
- 24 ~~(5)~~ complete a background investigation on all applicants for employment as set forth in 12 NCAC 09B  
25 .0102.

26 (b) ~~For officers who have been separated from their previous agency for more than 30 days, prior~~ Prior to transfer of  
27 certification, ~~the law enforcement officer~~ officers with more than a 30 day gap in employment by an agency shall:

- 28 (1) complete a Medical History Statement Form within one year prior to the transfer to the employing  
29 agency; comply with the requirements of 12 NCAC 09B .0104;
- 30 ~~(2)~~ submit to examination by a surgeon, physician, physician assistant, or nurse practitioner licensed to  
31 practice medicine in North Carolina in the same manner prescribed for non-certified new applicants  
32 in 12 NCAC 09B .0104 within one year prior to the transfer to the employing agency;
- 33 ~~(3)(2)~~ submit results of the physical examination to the employing agency for placement in the officer's  
34 permanent personnel file;
- 35 ~~(4)~~ (3) produce a negative result on a drug screen administered according to the specifications outlined in  
36 12 NCAC ~~09B .0104(5);~~ ~~[.0101]~~ 09C .0310; and
- 37 ~~(5)(4)~~ either:

- 1 (A) submit a copy of the Commission's annual in-service training report form Firearms  
2 Qualification Record Instructions Form F-9A to the employing agency for placement in  
3 the officer's permanent personnel file when the duty and off duty weapons remain the same  
4 as those previously used to qualify. The Form F-9A shall contain the date(s) and instructors  
5 signature indicating the law enforcement officer's successful completion of the mandatory  
6 firearms classroom training, and the firearms range qualification scores for the duty and  
7 off-duty weapons assigned to the law enforcement officer. Such in-service training  
8 compliance shall have occurred within the 12 month period preceding transfer; or  
9 (B) satisfactorily complete the employing agency's in-service firearms training program as  
10 prescribed in 12 NCAC 09E .0105 and .0106.

11 ~~[(c) — Law enforcement officers who are transferring from one agency to another and have no more than a 30-day~~  
12 ~~gap in employment with an agency are not required to complete the requirements outlined in section (b) of this Rule.~~  
13 ~~They shall be certified providing:~~

- 14 (1) ~~the officer satisfactorily completes the employing agency's in-service firearms training program as~~  
15 ~~prescribed in 12 NCAC 09E .0105 and .0106;~~  
16 (2) ~~the separating agency submits an F5B with no negative comment regarding investigations or~~  
17 ~~Commission rule violations;~~  
18 (3) ~~the employing agency conducts a background investigation as outlined in 12 NCAC 09B .0102, that~~  
19 ~~does not reveal misconduct or Commission rule violations.]~~

20 (c) ~~Prior to employing the an officer who has been separated from his previous agency for 30 days or less, the~~  
21 ~~employing agency shall:~~

- 22 (1) ~~verify the certification of the officer with the Criminal Justice Standards Division or the Sheriffs'~~  
23 ~~Standards Division;~~  
24 (2) ~~review the Form F-5B, Affidavit of Separation from the previous employed agency;~~  
25 (3) ~~submit a new fingerprint check to the North Carolina State Bureau of Investigation, in compliance~~  
26 ~~with the requirements set forth in 12 NCAC 09B .0103(a) and (b), in the same manner as prescribed~~  
27 ~~for non-certified new applicants. This fingerprint check will be waived once all officers are enrolled~~  
28 ~~in the Federal Bureau of Investigation's Next Generation Identification System and Criminal Justice~~  
29 ~~Record of Arrest and Prosecution Background (RapBack) Service. No certification shall be~~  
30 ~~transferred if the holder has been convicted since initial certification of any offense for which~~  
31 ~~revocation or suspension of certification is authorized;~~  
32 (4) ~~notify the Commission by submitting a Name/Status Change, Form F-19, that the officer is being~~  
33 ~~employed and stating the date on which the employment will commence. The Name/Status Change,~~  
34 ~~Form f-19, shall contain the officers name, date of birth and Social Security Number on file, and~~  
35 ~~any changes to that information, the agency's name, officer's current status and status changed to,~~  
36 ~~the effective date of change, whether the officer is undercover or not, and the signature and printed~~  
37 ~~name of the submitting agency head or authorized representative, and~~



1           (5)       satisfactorily complete the employing agency's in-service firearms training program as prescribed  
2           in 12 NCAC 09E .0105 and .0106.

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

6       (⇨) (e) For currently certified full time officers with no break in service, upon written request from the department  
7 head of the hiring agency, the Division shall waive for a period of no more than ~~60 days~~ 60 days from the receipt of  
8 the Report of Appointment by the Standards Division the requirements of Subparagraphs of (b)(1), (b)(2), (b)(3), and  
9 ~~(b)(4)~~, (b)(4) and (b)(5) of this Rule. ~~The Report of Appointment Form is located on the agency's website:~~  
10 ~~[http://www.ncdoj.gov/getdoc/64d263a3-a598-4e45-9541-04ef088cf288/F-5A-\(DJJDP\)-6-11.aspx](http://www.ncdoj.gov/getdoc/64d263a3-a598-4e45-9541-04ef088cf288/F-5A-(DJJDP)-6-11.aspx).~~

11  
12 *History Note:*     *Authority G.S. 17C-6; 17C-10;*  
13                     *Eff. January 1, 1981;*  
14                     *Amended Eff. April 1, 2018; October 1, 2017; May 1, 2009; July 1, 1990; March 1, 1990; July 1,*  
15                     *1989; July 1, 1982;*  
16                     *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
17                     *2019.*  
18                     *Amended Eff. March 1, 2024*  
19

1 12 NCAC 09E .0103 is amended, with changes, as published in 38:05 NCR 258-267

2  
3 12 NCAC 09E .0103 DEPARTMENT HEAD RESPONSIBILITIES: ANNUAL IN-SERVICE TRAINING

4 The Department state or local law enforcement agency head shall ensure that the annual in-service training is  
5 conducted according to specifications as outlined in Rules 09E .0105 and 09E .0106. In addition, the Department state  
6 or local law enforcement agency head or designated representative:

- 7 (1) shall review departmental policies regarding the use of force during the agency's annual in-service  
8 training program; and program. The Department head or designated representative shall certify that  
9 this review has been completed by submitting a Commission form to the Criminal Justice Standards  
10 Division; and and  
11 (2) shall report to the Criminal Justice Standards Division once each calendar year a roster of all law  
12 enforcement officers who fail to successfully complete the annual in-service training and firearms  
13 qualification qualification, pursuant to 12 NCAC 09E .0106, and shall certify that all law  
14 enforcement officers in the agency not listed did successfully complete the training. This roster shall  
15 reflect the annual in-service training and firearms qualification status of all law enforcement officers  
16 employed by the agency as of December 31 of each calendar year and shall be received by the  
17 Criminal Justice Standards Division no later than the following January 15<sup>th</sup>; ~~and 15<sup>th</sup>.~~ Officers  
18 having completed Basic Law Enforcement Training and passed the comprehensive state final  
19 examination in this same calendar year must complete the annual in-service training for the year if  
20 they were sworn in between January 1<sup>st</sup> and June 30<sup>th</sup> of that year. Officers sworn in between July  
21 1<sup>st</sup> and December 31<sup>st</sup> must complete the annual in-service training by June 30<sup>th</sup> of the following  
22 year, and  
23 (3) shall maintain in each officer's file documentation on a Commission form that the officer has  
24 completed the annual in-service training requirement; and  
25 (4) shall, where the officer fails to successfully qualify with any of the weapons specified in Rule 09E  
26 .0106(a) and (b), prohibit access to such weapon(s) until such time as the officer obtains  
27 qualification; and  
28 (5) shall, where the officer fails to successfully qualify with any of the weapons specified in Rule 09E  
29 .0106(d), prohibit the possession of such weapon(s) while on duty or when acting in the discharge  
30 of that agency's official duties, and shall deny the officer authorization to carry such weapon(s)  
31 concealed when off-duty, except when the officer is on his own premises; and  
32 (6) shall, where the officer has access to any specialized or tactical weapon(s) not specifically covered  
33 in Rule 09E .0106(a) and (b), use industry accepted practices and procedures to ensure that officers  
34 authorized to use such weapon(s) are qualified. Where the officer fails to qualify, the agency head  
35 or designated representative shall restrict access to such weapon(s). shall, where an officer has  
36 access to any specialized or tactical weapon(s) not specifically covered in Rule 09E .0106(a) and  
37 (b), prohibit the officer's use of the weapon(s) while engaged in the officer's official capacity unless

1 the agency head determines the officer is competent to use the weapon in a lawful and prudent  
2 manner based upon the officer's experience, training, education, and disciplinary record.

3  
4  
5  
6 *History Note: Authority G.S. 17C-6; 17C-10;*  
7 *Eff. July 1, 1989;*  
8 *Amended Eff. January 1, 2005; January 1, 1995;*  
9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
10 *2019.*  
11 *Amended Eff. March 1, 2024*

1 12 NCAC 09F .0103 is amended as published in 37:19 NCR 1927-1940 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) Pursuant to G.S. 14-415.12(a)(4)(a), (b), and (c), the Commission shall review and ensure that submitted  
9 courses submitted by instructors meet or exceed the general guidelines as specified 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) Courses identified in paragraph (b) of this Rule ~~All courses~~ are to be taught in person. Virtually delivered  
16 courses are not approved by the Commission.

17  
18 *History Note: Authority G.S. 14-415.12;*  
19 *Temporary Adoption Eff. November 1, 1995;*  
20 *Eff. May 1, 1996;*  
21 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
22 *2019; Amended Eff. March 1, 2024.*  
23

1 **12 NCAC 09F .0104 is amended as published in 37:19 NCR 1927-1940**

2  
3 **12 NCAC 09F .0104 INSTRUCTOR QUALIFICATIONS**

4 (a) To be approved to deliver ~~the "Concealed Carry Handgun Training"~~ a concealed carry handgun training course,  
5 pursuant to N.C.G.S. 14-415.(a)(4), ~~course,~~ instructors shall:

6 (1) hold one of the following certifications:

7 (a) ~~Specific~~ "Specialized Instructor Certification-Firearms" issued by the Criminal Justice  
8 Education and Training Standards Commission ~~(Commission),~~ as outlined in 12 NCAC  
9 09B .0304(f);

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

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

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

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

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

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

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

31  
32 *History Note: Authority G.S. 14-415.12;*  
33 *Temporary Adoption Eff. November 1, 1995;*  
34 *Eff. May 1, 1996;*  
35 *Amended Eff. November 1, 2015; September 1, 2005; May 1, 2004;*  
36 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
37 *2019;*  
38 *Amended Eff. March 1, 2024.*  
39

1 12 NCAC 09F .0105 is amended, with changes, as published in 37:19 NCR 1927-1940

2  
3 12 NCAC 09F .0105 INSTRUCTOR RESPONSIBILITIES

4 To be approved to deliver a concealed carry handgun trainig course, pursuant to N.C.G.S. 14-415.12(a)(4), in  
5 delivering the "Concealed Carry Handgun Training" (CCH) course the instructor shall:

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

1           (d) For safety purposes, steel or metal targets will not be used at distances less than 10 yards  
2           from the target.

3 ~~[(10) — Not fewer than 30 days before commencing delivery of the course, submit to the Commission a Pre-~~  
4 ~~Delivery Report of Training Course Presentation [Form F 10A (CCH)] with the following~~  
5 ~~information:~~

6           - (a) ~~— Instructor(s) name(s)~~

7           - (b) ~~— Type of course (NCJA model, NRA, or USCCA as approved by the Commission)~~

8           - (c) ~~— Date and location of course~~

9           - (d) ~~— Hours of course (minimum of 8 hours)~~

10          - (e) ~~— Anticipated number of students~~

11 ~~(11) — Not more than 10 days after course completion, submit to the Commission a Post-Delivery Report~~  
12 ~~[Form F 10B(CCH)] containing the following information:~~

13          - (a) ~~— Instructor(s) name(s), if changes were made~~

14          - (b) ~~— Actual number of attendees~~

15 ~~(12) — Maintain a roster of all students completing each CCH course in compliance with the North Carolina~~  
16 ~~Department of Natural and Cultural Resources Retention and Disposition Schedule established~~  
17 ~~pursuant to G.S. 121-4 and G.S. 132-8.1. This roster must include, at a minimum, each student's~~  
18 ~~legal name and contact information. The instructor must be able to produce the student list for~~  
19 ~~inspection by Division staff for audit purposes.]~~

20 ~~[(43) (10)]~~ Provide each student ~~[for their permanent personal use with]~~ a current copy of the “Concealed  
21 Carry Handgun Training” manual (Red ~~[book] Book) manual as~~ published by the North Carolina  
22 Justice ~~[Academy:] [Academy, or an alternative training manual that includes all of the content of~~  
23 ~~the most current copy of the “Concealed Carry Handgun Training” manual (Red Book) published~~  
24 ~~by the North Carolina Justice Academy. The contents of the “Concealed Carry Handgun Training”~~  
25 ~~manual (Red Book) published by the North Carolina Justice Academy must be included in the~~  
26 ~~curriculum for the CCH course. The contents of this manual must be included in the curriculum for~~  
27 ~~the CCH course.]~~ Copies of this publication may be inspected at the agency:

28                                   Criminal Justice Standards Division  
29                                   North Carolina Department of Justice  
30                                   1700 Tryon Park Drive  
31                                   Post Office Drawer 149  
32                                   Raleigh, North Carolina 27602

33  
34 and may be purchased at the cost of printing and postage from the Academy at the following  
35 address:

36                                   North Carolina Justice Academy  
37                                   Post Office Drawer 99

Salemburg, NC 28385

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*History Note: Authority G.S. 14-415.12; 14-415.13;  
Temporary Adoption Eff. November 1, 1995;  
Eff. May 1, 1996;  
Amended Eff. April 1, 2018; May 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,  
2019;  
Amended Eff. January 1, 2025; January 1, 2020; August 1, 2019.*



1 12 NCAC 09G .0307 is amended, with changes, as published in 38:05 NCR 258-267

2  
3 **12 NCAC 09G .0307 CERTIFICATION OF INSTRUCTORS**

4 (a) A person participating in a Commission-accredited corrections training course or program as an instructor, teacher,  
5 professor, lecturer, or other participant making presentations to the class shall first be certified by the Commission as  
6 an instructor.

7 (b) The Commission shall certify instructors under the following categories: General Instructor Certification,  
8 Specialized Instructor Certification or Professional Lecturer Certification as outlined in Rules .0308, .0310, and .0311  
9 of this Section. Instructor certification shall be granted on the basis of documented qualifications of experience,  
10 education, and training in accord with the requirements of this Section and as stated on the applicant's Request for  
11 Instructor Certification Form. Application for Instructor or Professional Lecturer Certification F-12. The  
12 requirements to complete the Application for Instructor or Professional Lecturer are outlined in 12 NCAC 09B .0301.

13 (c) In addition to all other requirements of this Section each instructor certified by the Commission to teach in a  
14 Commission-certified course shall remain competent in his or her specific or specialty areas. Such competence  
15 includes remaining current in the instructor's area of expertise, which may be demonstrated by attending and  
16 completing any instructor all updated instructor training courses required by the Commission.

17 (d) If a person certified as an instructor by the Commission is found to have knowingly and willfully violated any  
18 provision or requirement of the rules in this Subchapter, the Commission shall take action to correct the violation and  
19 to ensure that the violation does not recur, including:

- 20 (1) issuing an oral warning and request for compliance;
- 21 (2) issuing a written warning and request for compliance;
- 22 (3) issuing an official written reprimand;
- 23 (4) suspending the individual's certification for a specified period of time or until acceptable corrective  
24 action is taken by the individual; or no more than 3 years; or
- 25 (5) revoking the individual's certification.

26 (e) The Commission shall deny, suspend, or revoke an instructor's certification when the Commission finds that the  
27 person:

- 28 (1) has failed to meet and maintain any of the requirements for qualification;
- 29 (2) has failed to remain currently knowledgeable in the person's areas of expertise by failing to attend  
30 trainings as required by the rules in this Chapter;
- 31 (3) has failed to deliver training in a manner consistent with the instructor lesson plans outlined in the  
32 "Basic Instructor Training Manual" as found in Rule .0414 of this Subchapter;
- 33 (4) has failed to follow specific guidelines outlined in the basic corrections officers' training manual set  
34 out in Rules .0411 through .0416 of this Subchapter;
- 35 (5) has demonstrated unprofessional personal conduct in the delivery of Commission approved or  
36 mandated training. For the purposes of this Subparagraph "unprofessional personal conduct" is  
37 identified as:

- 1 (A) job-related conduct that constitutes a violation of state or federal law;
- 2 (B) conviction or commission of a criminal offense as set out in Rule .0504 of this Subchapter;
- 3 (C) the willful violation of rules of this Chapter;
- 4 (D) conduct that is detrimental to instruction in the Commission's mandated courses. For
- 5 purposes of this Chapter, conduct is "detrimental to instruction" if the conduct is demeaning
- 6 or disruptive to the learning environment;
- 7 (E) the physical or verbal abuse of a client or student who the instructor is teaching or
- 8 supervising; or
- 9 (F) falsification of an instructor application or other employment documentation;
- 10 (6) is an instructor, School Director, or Qualified Assistant and is involved in the instruction of (for
- 11 instructors) or oversight of (for School Directors and Qualified Assistants) a student with whom the
- 12 instructor, School Director, or Qualified Assistant has a close personal relationship such as, familial,
- 13 financial, dating, or sexual even if consensual; and fails to take immediate and appropriate corrective
- 14 action. Appropriate corrective action requires the instructor, School Director, or Qualified Assistant
- 15 to notify his or her managing personnel in writing of the relationship and requires the instructor,
- 16 School Director, or Qualified Assistant to stop instructing or overseeing the student with whom the
- 17 relationship exists and
- 18 (A) the written notice to managing personnel shall include:
- 19 (i) school/agency name;
- 20 (ii) name of course;
- 21 (iii) name of the instructor, School Director, or Qualified Assistant;
- 22 (iv) name of student;
- 23 (v) name of managing ~~personnel;~~ **personnel;** and
- 24 (vi) nature of the relationship;
- 25 (B) the written notice from the school/agency managing personnel to the Standards Division
- 26 shall be submitted within 10 days of receipt of notice from the instructor, School Director,
- 27 or Qualified Assistant and shall include:
- 28 (i) school/agency name;
- 29 (ii) name of course;
- 30 (iii) name of the instructor, School Director, or Qualified Assistant;
- 31 (iv) name of student;
- 32 (v) name of managing personnel;
- 33 (vi) nature of the relationship; and
- 34 (vii) explanation of action taken to ensure the named instructor, School Director, or
- 35 Qualified Assistant is not in violation of this Rule;
- 36 ~~(7) has demonstrated instructional incompetence;~~

1 ~~(8)~~(7) has knowingly and willfully obtained, or attempted to obtain instructor certification by deceit, fraud,  
2 or misrepresentation;

3 ~~(9)~~(8) has failed to meet or maintain good moral character as defined in: In re Willis, 288 N.C. 1, 215  
4 S.E.2d 771, appeal dismissed, 423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E.2d 854  
5 (1940); In re Legg, 325 N.C. 658, 386 S.E. 2d 174 (1989); In re Applicants for License, 143 N.C.  
6 1, 55 S.E. 635 (1906); In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309  
7 N.C. 538, 308 S.E.2d 647 (1983); and later court decisions that cite these cases as authority, and as  
8 required to discharge the duties of a criminal justice instructor;

9 ~~(10)~~(9) has committed or been convicted of an offense that could result in the denial, suspension, or  
10 revocation of an officers certification pursuant to Rules .0204 or .0504 of this Subchapter;

11 ~~(11)~~(10) has knowingly made a material misrepresentation of any information required for certification or  
12 accreditation.

13 (f) When a person certified as an officer by the North Carolina Criminal Justice Education and Training Standards  
14 Commission (Commission), the North Carolina Sheriffs Education and Training Standards Commission (Sheriffs'  
15 Commission), the North Carolina Department of Insurance, Office of State Fire Marshal, Fire Rescue Commission  
16 (Fire Commission), Office of Emergency Medical Services and the North Carolina Company/Campus Police Program;  
17 or a similar North Carolina, out of state or federal approving, certifying or licensing agency has been denied  
18 certification or had his or her certification suspended or revoked by their respective Commission or agency the officer  
19 shall report the suspension or revocation to the Criminal Justice Standards Division within five days. The General  
20 Instructor certification shall be (if applicable) suspended or revoked for the same time period as their respective  
21 Commission in accordance with the following:

22 (1) this suspension or revocation of the General Instructor certification shall also include suspension or  
23 revocation to any Commission recognized specialized or additional instructor certification, as  
24 outlined in Rule .0310 of this Section;

25 (2) if the term of suspension or revocation exceeds the expiration date of the instructor's initial  
26 certification expiration date, they shall forfeit their certifications as a General Instructor and  
27 Specialized Instructor and shall be required to obtain certification pursuant to the requirements of  
28 Rule .0304 of this Section before any instruction may be delivered in any Commission-approved or  
29 mandated training, including the completion of a subsequent General Instructor's training Instructor  
30 Training course in its entirety; and

31 (3) if the term of suspension or revocation does not exceed the expiration date of the instructor's initial  
32 certification expiration date, the instructor shall be reinstated as a General Instructor only upon  
33 reinstatement of his or her law enforcement officer certification by the Commission. The terms of  
34 renewal for the existing General Instructor and Specialized Instructor certifications shall remain  
35 subject to all renewal requirements pursuant to Rule .0309(c) of this Section by the next expiration  
36 date.

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1 *History Note: Authority G.S. 17C-6; 17C-10;*  
2 *Temporary Adoption Eff. January 1, 2001;*  
3 *Eff. August 1, 2002;*  
4 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
5 *2019;*  
6 *Amended Eff. March 1, 2024; October 1, 2020; August 1, 2019.*  
7