

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Training and Standards Commission

RULE CITATION: 12 NCAC 09B .0313

DEADLINE FOR RECEIPT: Tuesday, September 10, 2019

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), line 7, please state "A "School Resource Officer (SRO)" is defined as..." That way you are starting the sentence with an article and putting the defined term in quotes.

On line 8 and elsewhere the term is used, what is a "public school unit"?

On lines 10, 11, 12, and 13, delete the periods within the numbers (such as "(1)") Since you did not publish them with periods, do not show it as a change; simply do it.

End (a)(1) through (4) with semicolons rather than periods. And since you are requiring all of these (as set forth in line 9), please insert "and" at the end of line 13.

On lines 16-17, what memorandum are you referring to? And will the requirements in the Rule be changed by that memorandum to be "consistent"? What exactly are you stating here?

In (b)(2), on line 33, you added the comma after "2020" after publication. If you wish to keep it, please show it as a change.

On line 35 – what will apply to those officers if they are acting in a capacity between January 2020 and September 30, 2020?

On line 35, you published 2010. I understand why you want to change it, but you need to show this as a change.

On line 39, what is "continually"?

On line 40, why is "Basic School Resource Officer Training" in quotation marks when it is not on line 33? And why is "training" capitalized on 40 when it's not on line 33? (Please note the same for Page 2, line 13) If you want "Training" capitalized, please be sure to do so everywhere.

In (c), Page 2, so that I'm clear – the officer can work in the school, but not using the designation of "School Resource Officer" or performing the duties listed in Paragraph (a)?

Amanda J. Reeder
Commission Counsel

Date submitted to agency: August 26, 2019

In (d), what are the contents of this form? G.S. 150B-2(8a)(d) states that the substantive contents of forms must be in rule or law. Unless the contents of this form are listed in another Rule or law, you need to state the contents here.

In (e), line 9, replace “is” before “indefinite” with “shall be”

On line 10, do you need to retain “a minimum of”?

On line 12, replace “becomes” with “shall be”

On line 12, replace “Otherwise, this requirement becomes” with “For other SROs, this requirement shall be”

On line 13, what is “successful completion”? How is this determined?

On lines 15 and 16, what do you mean by “Section”? Do you mean “Paragraph” or “Rule”?

In (f), I know that the language on lines 23-24 were in the original rule, but why do you need it?

In the History Note, line 38, please simply change the period after “2018” to a semicolon.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: August 26, 2019

1 12 NCAC 09B .0313 is amended as published in 33:24 NCR 2358-2361 as follows:

2
3 **12 NCAC 09B .0313 CERTIFICATION AND TRAINING FOR SCHOOL RESOURCE OFFICER**
4 **OFFICERS**

5 ~~(a) The School Resource Officer training course for law enforcement officers shall provide the trainee with the skills~~
6 ~~and knowledge to perform in the capacity of a School Resource Officer. The course shall be for a period of 40 hours.~~
7 School Resource Officer (SRO) is defined as any law enforcement officer assigned to one or more public schools
8 within a public school unit, who works in a school at least 20 hours per week for more than 12 weeks per calendar
9 year to assist with all of the following:

10 (1.) School safety.

11 (2.) School security.

12 (3.) Emergency preparedness.

13 (4.) Emergency response.

14 (5) Any additional responsibilities related to school safety or security assigned by the officer’s employer
15 while the officer is acting as a School Resource Officer.

16 These requirements shall be consistent with any written memorandum of understanding between the public school
17 unit and the law enforcement agency governing the School Resource Officer.

18 ~~(b) The "School Resource Officer Training" course published by the North Carolina Justice Academy shall be used as~~
19 ~~the curriculum for this training course. Copies of this publication may be inspected at the office of the agency:~~

20 ~~Criminal Justice Standards Division~~
21 ~~North Carolina Department of Justice~~
22 ~~1700 Tryon Park Drive~~
23 ~~Post Office Drawer 149~~
24 ~~Raleigh, North Carolina 27602~~

25 ~~and may be obtained at the cost of printing and postage from the North Carolina Justice Academy at the following~~
26 ~~address:~~

27 ~~North Carolina Justice Academy~~
28 ~~Post Office Drawer 99~~
29 ~~Salemburg, North Carolina 28385~~

30 (b) Law enforcement officers assigned by their agency to perform duties as a School Resource Officer shall:

31 (1) have been issued general certification by the North Carolina Criminal Justice Education and
32 Training Standards Commission as a law enforcement officer; and

33 (2) have until December 31, 2020, to complete the Basic School Resource Officer training course, if
34 they are acting in the capacity of a School Resource Officer between October 1, 2018 and December
35 31, 2019. Any officer assigned as a School Resource Officer effective October 1, 2020 or later shall
36 complete the “School Resource Officer Training” course pursuant to Paragraph (f) of this Rule,
37 within one year after being assigned as a School Resource Officer. Law enforcement officers who
38 previously completed the training pursuant to Paragraph (f) of this Rule and who have been
39 continually assigned as an SRO pursuant to Paragraph (a) of this Rule shall be credited with
40 completion of the “Basic School Resource Officer Training.”

1 (c) A law enforcement officer assigned to one or more public schools within a public school unit, who works in
2 a school at least 20 hours per week for more than 12 weeks per calendar year and who has not completed the initial
3 training as established by Paragraph (f) of this Rule shall not work in a school as a School Resource Officer until the
4 officer has completed the initial training as established by Paragraph (f) of this Section.

5 (d) The agency head shall submit to the Criminal Justice Standards Division a Form F-20 Commission School
6 Resource Officer Assignment Form for the person(s) selected to act as a School Resource Officer for the agency. The
7 Form F-20 is located on the agency's website: [https://ncdoj.gov/getdoc/576c353c-0dcb-4c84-8cc4-](https://ncdoj.gov/getdoc/576c353c-0dcb-4c84-8cc4-c9d17985541f/SRO-form.aspx)
8 [c9d17985541f/SRO-form.aspx](https://ncdoj.gov/getdoc/576c353c-0dcb-4c84-8cc4-c9d17985541f/SRO-form.aspx) and must be completed in its entirety.

9 (e) The term of certification as a School Resource Officer is indefinite, provided the School Resource Officer
10 completes during each calendar year a minimum of one hour of School Resource Officer refresher training authored
11 by North Carolina Justice Academy. For School Resource Officers who complete the basic SRO training requirement
12 in 2020 or earlier, this requirement becomes effective January 1, 2021. Otherwise, this requirement becomes effective
13 the year following the officer's successful completion of the Basic School Resource Officer Training course. A
14 certified School Resource Officer who has not completed the refresher training during a calendar year as established
15 by this section shall not work in a school as a School Resource Officer until the officer has completed the required
16 refresher training as established by this Section.

17 ~~(e) Law Enforcement officers assigned by their agency to perform duties as a School Resource Officer shall:~~

18 ~~(1) have been issued general certification by the NC Criminal Justice Education and Training Standards~~
19 ~~Commission as a law enforcement officer; and~~

20 ~~(2) have completed, or complete within one year after being assigned as a School Resource Officer, the~~
21 ~~School Resource Officer the "School Resource Officer Training" course pursuant to Paragraph (b)~~
22 ~~of this Rule.~~

23 (f) The School Resource Officer training course for law enforcement officers shall provide the trainee with the skills
24 and knowledge to perform in the capacity of a School Resource Officer. The "School Resource Officer Training"
25 course authored by the North Carolina Justice Academy shall be used as the curriculum for this training course. Copies
26 of this publication may be inspected at the office of the agency:

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

32 and may be obtained at the cost of printing and postage from the North Carolina Justice Academy at the following
33 address:

34 North Carolina Justice Academy
35 Post Office Drawer 99
36 Salemburg, North Carolina 28385

37 *History Note: Authority G.S. 17C-6; 17C-10;*
38 *Eff. October 1, 2018.*
39 *Amended Eff. October 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09F .0102

DEADLINE FOR RECEIPT: Tuesday, September 10, 2019

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (1)(a), line 7, why not state "when" rather than "in which"?

So that I'm clear – of the eight required hours, two are covered by Item (1)? And the remaining six hours are spent in the Items (2) through (8)?

In (2), line 13, do not delete "The" You want to retain it so the sentence reads "The instructor shall"

In (3)(b), line 19, what is "safely" here? Does your regulated public know?

In (4)(b), line 25, please insert an "and" at the end of the line.

In (5)(a), line 31, what is "proper" here? Does your regulated public know?

In (7)(c), Page 2, line 5, who is "their" referring to? The instructor? The individuals attending the training? Please state this.

In (9)(b) through (d), lines 11, 12, and 14, it appears you published to remove this language. Therefore, please remove the underlining from the struck-through language.

You are missing a line from your History Note. Please use this History Note:

*History Note: Authority G.S. 14-415.12;
Temporary Adoption Eff. November 1, 1995;
Eff. May 1, 1996;
Amended Eff. November 1, 2014; February 1, 2013; 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, 2019.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: August 26, 2019

1 12 NCAC 09F .0102 is amended as published in 33:24 NCR 2358-2361 as follows:

2
3 **12 NCAC 09F .0102 TOPICAL AREAS**

4 The course entitled "Concealed Carry Handgun Training" shall consist of eight hours of instruction and shall include
5 the following identified topical areas:

- 6 (1) Legal Issues (two hours): The student shall be able to explain the following:
7 (a) the types of situations ~~that~~ in which the use of deadly physical force would be justified;
8 (b) list the areas where the carrying of a concealed handgun is prohibited;
9 (c) the requirements ~~of~~ for handgun storage under G.S. 14-315.1; and
10 (d) the laws governing the carrying of a concealed handgun.

11 The instructor shall determine the student's level of understanding of the relevant legal issues by
12 administering a written examination.

- 13 (2) Handgun Nomenclature: ~~The students shall be able either verbally or in writing to list the instructor~~
14 shall identify to the students the primary parts of their personal handguns, the revolver and
15 semiautomatic handgun.

- 16 (3) Handgun Safety: The students shall be able to:
17 (a) list at least four rules of safe gun handling and demonstrate all of these procedures during
18 range exercises;
19 (b) list four methods of safely storing a handgun and choose the method most appropriate for
20 their personal use;
21 (c) describe safety issues relating to the safe carry of a handgun; and
22 (d) determine the proper storage of their handguns when there are minors in the home.

- 23 (4) Handgun Fundamentals: ~~The students instructor shall demonstrate to the students: be able to:~~
24 (a) ~~demonstrate~~ how to load both a revolver and a semiautomatic handgun;
25 (b) ~~demonstrate~~ how to unload both a revolver and a semiautomatic handgun;
26 (c) ~~describe~~ the operational characteristics of ~~their handguns; and~~ the revolver and the
27 semiautomatic handgun.
28 (d) ~~achieve a passing score on a proficiency test administered by the instructor as prescribed~~
29 ~~in Rule .0105 of this Section.~~

- 30 (5) Marksmanship Fundamentals: The student shall be able to:
31 (a) demonstrate a proper handgun grip;
32 (b) demonstrate either the Weaver or Isosceles Stance;
33 (c) describe the elements of sight alignment and sight picture; and
34 (d) demonstrate trigger control in a dry fire exercise.

- 35 (6) Presentation Techniques: ~~The students instructor shall be able to demonstrate to the students the~~
36 draw or presentation of the revolver and semiautomatic handgun with their handguns. a variety of
37 holster types.

- 1 (7) Cleaning and Maintenance: The ~~students~~ instructor shall ~~be able to~~ demonstrate to the student:
- 2 (a) ~~demonstrate~~ how to "field strip" the handguns if ~~the~~ their handguns handgun can be field
- 3 stripped;
- 4 (b) ~~describe~~ how to perform a "Function Check" on ~~their personal handguns~~; and
- 5 (c) based on the manufacturer's recommendations, list the lubrication points of their specific
- 6 handguns.
- 7 (8) Ammunition: The ~~students~~ instructor shall ~~be able to~~ list and explain the four components of
- 8 ~~handgun~~ ammunition.
- 9 ~~(9) Proficiency Drills: The students shall be able to:~~
- 10 ~~(a) demonstrate how to check a handgun in order to ensure that it is safe;~~
- 11 ~~(b) during range exercises, demonstrate how to fire a handgun from a ready position;~~
- 12 ~~(c) during range exercises, demonstrate the ability to fire a handgun from various distances;~~
- 13 ~~and~~
- 14 ~~(d) during range exercises, achieve a passing score on a proficiency test administered by the~~
- 15 ~~instructor as prescribed in Rule .0105 of this Section.~~

16

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

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

19 *Eff. May 1, 1996;*

20 *Amended Eff. October 1, 2019; November 1, 2014; February 1, 2013; May 1, 2004.*

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09F .0105

DEADLINE FOR RECEIPT: Tuesday, September 10, 2019

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (5), line 15, please remove the comma after "certificates" and add a comma after "instructor"

In (5)(f), line 23, this just recites (5)(c). Please either differentiate it or delete it. If you do differentiate it (such as specifying this is for business), then please be sure to mirror (5)(c) and state "phone number and email address;"

In (6), line 25, what is "successfully"? How is this determined? Are you using this term to mirror the language in G.S. 14-415.13(a)(4)?

In (8), line 28, what do you mean by "includes at a minimum questions provided by the Commission" Provided how?

On line 30, you are deleting "examination" after "written" and not showing it. Please do so properly, as you did when you published in the Register.

In (9), line 34, the addition of "include, at a minimum" was made after publication in the Register. You need to show it as such by highlighting it and inserting "with changes" in the Introductory Statement.

On line 35, what is the intent of this language: following [required 30-shot course of fire]? You did not publish this language in the Register? Are you trying to add it? If so, why is it bracketed? Why isn't it highlighted? I am guessing this is an erroneous addition made after publication and suggest simply deleting it.

In (9)(a), line 37, insert a comma after "five"

In (9)(b), Page 2, line 1, you proposed to add "a minimum" before "ten" It's fine if you don't want to add it, but you do need to show this. Please state "... fire [~~a minimum~~] ten rounds;"

Delete the "and" at the end of line 1.

In (9)(c), line 2, replace the period after "target" with a semicolon and insert an "and"

In (9)(d), line 3, insert a comma after "rounds"

Amanda J. Reeder
Commission Counsel

Date submitted to agency: August 26, 2019

I note that the 70% proficiency in (9)(d) will only apply if there are additional rounds. Is there a required proficiency percentage for those that only use 30 rounds in (9)(a)?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: August 26, 2019

1 12 NCAC 09F .0105 is amended as published in 33:24 NCR 2358-2361 as follows:

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

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

- 5 (1) have a valid Concealed Carry Handgun instructor certification issued by the Criminal Justice
6 Standards Division;
- 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" 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 which 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 Director for approval.
17 The written request shall include the following:
- 18 (a) instructor name and identification number;
- 19 (b) name of business;
- 20 (c) phone number and email address;
- 21 (d) recipient instructor name and identification number;
- 22 (e) business name;
- 23 (f) 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" 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% on the questions provided
30 by the Commission; ~~to the student on the legal issues block of instruction to demonstrate that the~~
31 ~~student is knowledgeable in the laws of this State governing the carrying of a concealed handgun~~
32 ~~and the use of deadly force;~~ and
- 33 (9) administer a proficiency examination that demonstrates the student is competent in the firing and
34 safe handling of a handgun. Such examination shall ~~include~~ include, at a minimum, the following:
35 following [required 30-shot course of fire].
- 36 (a) The student fires 30 rounds of ammunition at a bulls-eye or silhouette target from three,
37 five and seven yard distances;

- 1 (b) At each yard distance the student shall fire ten rounds; and
2 (c) 21 of the 30 rounds fired by the student hit the target.
3 (d) If the proficiency examination includes additional rounds the student shall also pass with a
4 minimum score of 70% on the total rounds fired.
5

6 *History Note: Authority G.S. 14-415.12; 14-415.13;*
7 *Temporary Adoption Eff. November 1, 1995;*
8 *Eff. May 1, 1996;*
9 *Amended Eff. April 1, 2018; May 1, 2004;*
10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
11 *2019;*
12 *Amended Eff. October 1, 2019; August 1, 2019.*
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14