

1 **12 NCAC 09E .0107 is amended as published in 37:06 NCR 443-444**

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3 **12 NCAC 09E .0107 FAILURE TO QUALIFY: ANNUAL IN-SERVICE FIREARMS TRAINING**

4 (a) Where an officer is employed with an agency that establishes a higher standard for annual in-service firearms
5 training than those specified in this Subchapter and the officer has failed to meet the requirements of the employing
6 agency as of December 31 of each calendar year, such officer shall meet the requirements of this Rule and the higher
7 standard of the employing agency for continued employment. Prior to transfer to another agency, the officer shall
8 meet the requirements of this Rule and the requirements of the subsequent agency, if the subsequent agency requires
9 a higher standard for annual in-service firearms training than those required in 12 NCAC 09E .0105(1) and .0106.

10 (b) Upon notification to the Division via Form F-9B 'Report of Non-Compliance of Mandatory In-Service Training'
11 that an officer has failed to meet the requirements for in-service firearms training and qualification as specified in 12
12 NCAC 09E .0106(a) of this Subchapter, the law enforcement officer's certification shall be suspended. Form F-9B is
13 located on the Commission's website: [https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-](https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-112-wpfd-in-service-p2)
14 publications/#91-112-wpfd-in-service-p2.

15 (c) The Division shall rescind the suspension indicated in Paragraph (b) of this rule upon receipt from an agency
16 representative of Form F-9C 'Return to Duty Request', indicating the suspended officer has completed the in-service
17 firearms training and qualification pursuant to 12 NCAC 09E .0106(a) and (b). Form F-9C is located on the
18 Commission's website: [https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-](https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-112-wpfd-in-service-p2)
19 [112-wpfd-in-service-p2.](https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-112-wpfd-in-service-p2)

20 (d) The suspended officer shall be granted limited enrollment in a presentation of the "Basic Law Enforcement
21 Training" course to complete the ~~firearms training topic~~ training pursuant to 12 NCAC 09B .0205(b)(5)(B). Such
22 enrollment and successful completion must occur within the calendar year of the suspension of law enforcement
23 officer certification.

24 ~~(d) Such enrollment and successful completion must occur within the 12 month period following suspension of law~~
25 ~~enforcement officer certification.~~

26 (e) Failure to enroll and successfully complete the ~~firearms training topic in a "Basic Law Enforcement Training"~~
27 ~~course pursuant to 12 NCAC 09B .0205(b)(5)(B) within the prescribed 12 month period~~ calendar year of the
28 suspension of certification shall subject the officer to training evaluation as specified in 12 NCAC 09B .0403.

29 (f) ~~No officer suspended under Paragraph (b) of this Rule may work as a certified law enforcement officer until:~~

30 (1) ~~the department head or designated representative forwards to the Commission documentary~~
31 ~~evidence verifying that the officer has successfully completed the firearms training topic during a~~
32 ~~limited enrollment in a Basic Law Enforcement Training Course within the 12 month period~~
33 ~~following suspension of law enforcement officer certification, and has successfully qualified with a~~
34 ~~duty weapon as required in 12 NCAC 09E .0106(a) and (b).~~

35 (2) ~~the department head or designated representative and the officer receive from the Commission~~
36 ~~documentation that the Commission has terminated the suspension and reissued law enforcement~~
37 ~~certification to the suspended officer.~~

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*History Note: Authority G.S. 17C-6; 17C-10;
Eff. July 1, 1989;
Amended Eff: January 1, 2005; August 1, 2000; March 1, 1992; March 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
2019.
Amended Ef. May 1, 2023*