

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Criminal Justice Education and Training Standards Commission

RULE CITATION: All Rules

DEADLINE FOR RECEIPT: December , 2025.

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

On Permanent Rule Form 0400, in Box 6, the agency has provided a "Link to Agency notice". The link presently takes you to the CJETS Forms and Publications page that contains a section for "Rules". There is one link under "Rules" that takes you to "NC Administrative Code, Title 12, Chapter 9".

Can you please provide evidence that the requirements listed in G.S. 150B-21.9(c)(1)-(5) were posted on the CJETS web site no later than the publication date of the Notice of Text in the N.C. Register (September 15, 2025)?

Some pages of these Rules are numbered at the bottom, but others are not. Please number each page with a footer that indicates the page number of the total pages within each rule.

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

Travis C. Wiggs
Commission Counsel
Submitted to Agency: November 25, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09A .0204

DEADLINE FOR RECEIPT: December 11, 2025.

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

Line 5, what standard of proof is used to determine if an officer “has committed” a criminal offense?

Line 7, in (2), is only one criminal offense used to determine if “imprisonment” “is authorized” “for more than two years”? Are the authorized punishments for multiple criminal offenses allowed to be combined to total “more than two years”? Is the officer’s prior criminal record allowed to be considered when determining if “more than two years” is authorized?

Line 11, in (1), what if the officer/applicant has enrolled but did not “satisfactorily complete” the course within the “prescribed time period”?

Line 12, where are the “prescribed time periods” found for each position or job title? Please cross-reference or incorporate the applicable Rule or law.

Line 18, add “(26)(b)” after the cited Rule.

Line 20, add “(26)(a)” after the cited Rule.

Lines 22 and 25, is “discharged” defined in a Rule or law? If so, please cite it or define the term.

Line 24, is “moral turpitude” defined? If so, cite the definition. If not, define the term or list all the applicable offenses.

Line 27, is “material misrepresentation” defined in a Rule or law? If so, please cite it or define the phrase.

Travis C. Wiggs
Commission Counsel
Submitted to Agency: November 25, 2025

Line 30, add a comma after “misrepresentation”. Is “whatsoever” necessary? If so, why? Add a comma after training.

Lines 33-34, add a comma after “misrepresentation”. Is “whatsoever” necessary? If so, why? Add a comma after training.

Page 2, lines 4-5, are you intending to cite a specific rule or section? Please clarify.

Lines 6-7, which “rules in this Chapter” are you referring to? Please specify.

Line 8, where can the “Drug Screening Implementation Guide” be found? Please cross-reference it or incorporate the Guide by reference pursuant to 150B-21.6.

Lines 16-17, “or” through “rules” was not published in the Register. Why does this not constitute a “substantial change” under G.S. 150B-21.2(g)?

Line 32, delete “G.S.”.

Line 33, is there a standard CJETS will utilize to determine if the officer/applicant “has been truthful”?

Line 35, add an Oxford Comma after “Division”.

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

1 12 NCAC 09A .0204 is amended, with changes, as published in 40:06 NCR 518-561 as follows:

2
3 **12 NCAC 09A .0204 SUSPENSION: REVOCATION: OR DENIAL OF CERTIFICATION**

4 (a) The Commission shall revoke the certification of a criminal justice officer when the Commission finds that the
5 officer has committed or been convicted of:

- 6 (1) a felony offense; or
7 (2) a criminal offense for which the authorized punishment included imprisonment for more than two
8 years.

9 (b) The Commission may suspend, revoke, or deny the certification of a criminal justice officer when the
10 Commission finds that the applicant for certification or the certified officer:

- 11 (1) has not enrolled in and satisfactorily completed the required basic training course in its entirety
12 within prescribed time periods relevant or applicable to a specified position or job title;
13 (2) fails to meet or maintain one or more of the minimum employment standards required by 12
14 NCAC 09B .0100 for the category of the officer's certification or fails to meet or maintain one or
15 more of the minimum training standards required by 12 NCAC 09B .0200 or 12 NCAC 09B .0400
16 for the category of the officer's certification;
17 (3) has committed or been convicted of:
18 (A) a criminal offense or unlawful act defined in 12 NCAC 09A .0103 as a Class B
19 misdemeanor; or
20 (B) four or more criminal offenses or unlawful acts defined in 12 NCAC 09A .0103 as a
21 Class A misdemeanor, each of which occurred after the date of initial certification;
22 (4) has been discharged by a criminal justice agency for commission or conviction of:
23 (A) a motor vehicle offense requiring the revocation of the officer's driver's license; or
24 (B) any other offense involving moral turpitude;
25 (5) has been discharged by a criminal justice agency because the officer lacks the mental or physical
26 capabilities to properly fulfill the responsibilities of a criminal justice officer;
27 (6) has knowingly made a material misrepresentation of any information required for certification or
28 accreditation;
29 (7) has knowingly and willfully, by any means of false pretense, deception, defraudation,
30 misrepresentation or cheating whatsoever, obtained or attempted to obtain credit, training or
31 certification from the Commission;
32 (8) has knowingly and willfully, by any means of false pretense, deception, defraudation,
33 misrepresentation or cheating whatsoever, aided another person in obtaining or attempting to
34 obtain credit, training or certification from the Commission;
35 (9) has failed to make either of the notifications as required by 12 NCAC 09B .0101(13);

- 1 (10) has been removed from office by decree of the Superior Court in accord with the provisions of
2 G.S. 128-16 or has been removed from office by sentence of the court in accord with the
3 provisions of G.S. 14-230;
- 4 (11) fails to satisfactorily complete the minimum in-service training requirements as prescribed in 12
5 NCAC 09E;
- 6 (12) has refused to submit to an applicant or lateral transferee drug screen as required by the rules in
7 this Chapter, or has refused to submit to an in-service drug screen pursuant to the guidelines set
8 forth in the Drug Screening Implementation Guide as required by the agency through which the
9 officer is certified;
- 10 (13) has produced a positive result on a drug screen reported to the Commission as specified in 12
11 NCAC 09C .0310, where the positive result cannot be explained to the Commission's satisfaction;
- 12 (14) has been denied certification or had certification suspended or revoked by the North Carolina
13 Sheriffs' Education and Training Standards Commission, the North Carolina Criminal Justice
14 Education and Training Standards Commission; the North Carolina Company/Campus Police
15 Program; or a similar North Carolina, out of state or federal approving, certifying or licensing
16 agency; **or is listed in the National Decertification Index for a reason that, if had occurred in North**
17 **Carolina, would be prohibited by these rules;**
- 18 (15) has performed activities or duties for which certification by the Commission is required without
19 having first obtained the appropriate certification; or
- 20 (16) has been convicted of any offense proscribed by 18 USC 922(g)(8) that would prohibit possession
21 of a firearm or ~~ammunition~~. ammunition;
- 22 (17) has engaged in sexual activity, whether in uniform of the employing agency or out of uniform,
23 (A) while on duty;
24 (B) while on or off duty in a motor vehicle owned or under the control of a law enforcement
25 agency;
26 (C) while on or off duty on the premises operated by the employing criminal justice agency;
27 (D) while in uniform of the employing agency in a public place;
28 (E) with an employee with whom the person had at the time supervisory responsibilities; or
29 (F) with a student who at the time is enrolled in a Commission-approved course in which the
30 officer is an instructor, qualified assistant, or school director.
31 For purposes of this subsection, sexual activity includes any act defined as a sexual act or sexual
32 contact per N.C.G.S. 14-27.20 and includes vaginal intercourse; or
- 33 (18) has been untruthful during a criminal or internal formal investigation conducted by a law
34 enforcement agency or during an investigation for a rules violation conducted by the North
35 Carolina Criminal Justice Standards Division, North Carolina Sheriffs' Standards Division or the
36 North Carolina Company and Campus Police Administrator.

1 (c) Following suspension, revocation, or denial of the person's certification, the person may not remain employed or
2 appointed as a criminal justice officer and the person may not exercise any authority of a criminal justice officer
3 during a period for which the person's certification is suspended, revoked, or denied.

4
5 *History Note:* *Authority G.S. 17C-6; 17C-10;*
6 *Eff. January 1, 1981;*
7 *Amended Eff. April 1, 2009; February 1, 2006; August 1, 2001; August 1, 1995; November 1,*
8 *1993; March 1, 1992; July 1, 1990;*
9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
10 *2019.*
11 *Amended Eff. January 1, 2026*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0405

DEADLINE FOR RECEIPT: December 11, 2025.

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

Lines 36-37, “seven” and “an eighth” were published in the Register but are stricken here. Also, “nine” and “a tenth” were not published but are now in the Rule. How does this not constitute a substantial change under 150B-21.2(g)?

Page 2, line 15, is the cited rule correct? I don’t see it in the Code.

Line 18, consider adding “course” after “current”.

Line 32, add a comma after “unless”.

Page 3, line 5, add a comma after “participation”.

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

Travis C. Wiggs
Commission Counsel
Submitted to Agency: November 25, 2025

1 12 NCAC 09B .0405 is amended, with changes, as published in 40:06 NCR 518-561 as follows:

2
3 **12 NCAC 09B .0405 COMPLETION OF BASIC LAW ENFORCEMENT TRAINING COURSE**

4 (a) Each delivery of a Commission-accredited Basic Law Enforcement Training Course (BLET) includes all
5 modules as specified in Rule .0205 of this Subchapter. Each trainee shall attend and satisfactorily complete the full
6 course as specified in ~~Paragraph~~ Paragraphs (b) and (c) of this Rule during a scheduled delivery. The school director
7 may develop supplemental requirements as set forth in Rule .0202(a)(5) of this Subchapter, but may not add
8 substantive courses, or change or expand the substance of the courses as set forth in Rule .0205 of this Subchapter
9 for purposes of Commission credit. This Rule does not prevent the instruction on local agency rules or standards;
10 however, such instruction shall not be considered or endorsed by the Commission for purposes of certification. ~~The~~
11 ~~Director of the Standards Division shall issue prior written authorization for a specified trainee's limited enrollment~~
12 ~~in a subsequent delivery of the same course where the trainee provides evidence that:~~

- 13 (1) ~~the trainee attended and satisfactorily completed specified class hours and topics of BLET but~~
14 ~~through extended absence occasioned by illness, accident, emergency, or other good cause was~~
15 ~~absent for more than five percent of the total class hours of the course offering;~~
16 (2) ~~the trainee was granted excused absences by the school director that did not exceed five percent of~~
17 ~~the total class hours for the course offering and the school director has obtained approval from the~~
18 ~~Standards Division pursuant to Rule .0404 of this Section for make-up work to be completed in a~~
19 ~~subsequent enrollment; or~~
20 (3) ~~the trainee participated in a BLET course but had an identified deficiency in topical area or skill~~
21 ~~areas in no more than two of the specific topic areas incorporated in course content as prescribed~~
22 ~~under Rule .0205 of this Subchapter;~~

23 ~~For the purposes of this Rule, "limited enrollment" is defined as the requirement to complete the specific number of~~
24 ~~courses and course hours in which the trainee is deficient. The trainee who is deficient in more than two academic~~
25 ~~areas or motor skills shall be dismissed from the course delivery and shall be required to complete a subsequent~~
26 ~~training delivery in its entirety.~~

27 For the purposes of this Rule, "limited enrollment" shall mean the requirement that a trainee complete only those
28 specific courses and course hours in which the trainee is deficient. A trainee found deficient in more than two
29 cognitive topical areas or motor skills shall be dismissed from the current training delivery and shall be required to
30 complete the entire training delivery in a subsequent session.

31 For the purposes of this Rule, "deficiency" shall mean the cognitive topical area or motor skills that the trainee did
32 not complete and which must be remediated.

33 (b) The trainee shall demonstrate proficiency in the cognitive topical areas and motor skills ~~academic tests~~ by
34 achieving a minimum score of 70 percent on each ~~[each.] each academic~~ test. If a trainee scores below 70 percent on
35 a cognitive topical area or motor skills ~~each academic~~ test, the trainee shall have one opportunity for reexamination.
36 A trainee shall be allowed failure and reexamination in no more than ~~[seven]~~ nine ~~cognitive topical areas and motor~~
37 skills. Upon initial failure of ~~[an eighth]~~ a tenth ~~cognitive topical area or motor skills test, the trainee shall not be~~

1 allowed reexamination and shall be immediately dismissed from the course and shall be required to complete a
2 subsequent delivery of BLET in its entirety. ~~will focus on re-teaching the specific concepts and skills in the topical~~
3 area(s) that a trainee fails to achieve a passing score, as follows:

- 4 (1) a trainee who fails to achieve a passing score of 70 percent on the first attempt shall have one
5 opportunity for reexamination following remediation;
- 6 (2) a trainee shall be allowed failure, remediation, and reexamination in no more than four topical area
7 tests;
- 8 (3) upon initial failure of a fifth topical area test, the trainee shall not be allowed remediation or
9 reexamination and shall be immediately dismissed from the course and shall be required to
10 complete a subsequent delivery of BLET in its entirety.

11 (c) A trainee who fails to achieve a minimum score of 70 percent on the reexamination of a cognitive topical area or
12 motor skills test shall be considered deficient in the cognitive topical area or motor skill. A trainee who is deficient
13 in no more than two cognitive topical areas and/or motor skills shall be eligible to remediate his or her deficiencies.
14 Prior to remediating a cognitive topical area or motor skill, the School Director shall submit to the Division a
15 Request for Deficiency Remediation, Form F-13, pursuant to 12 NCAC 09I .0103. The trainee shall:

- 16 (1) complete the current course delivery and then shall be required to remediate the deficiency as a
17 limited enrollee in a subsequent training course; or
- 18 (2) remediate up to two deficiencies within the current delivery with the approval of the Division
19 Director.

20 (d) The Director of the Division shall issue prior written authorization for a specified trainee's limited enrollment in
21 a subsequent delivery of the same course where the trainee provides evidence that:

- 22 (1) the trainee attended and satisfactorily completed specified class hours and topics of BLET but
23 through extended absence occasioned by illness, accident, emergency, or other good cause was
24 absent for more than five percent of the total class hours of the course offering;
- 25 (2) the trainee was granted excused absences by the school director that did not exceed five percent of
26 the total class hours for the course offering and the school director has obtained approval from the
27 Standards Division pursuant to Rule .0404 of this Section for make up work to be completed in a
28 subsequent enrollment; or
- 29 (3) the trainee participated in a BLET course but is deficient in not more than two cognitive topical
30 areas or motor skill areas.

31 ~~(e)~~(e) An authorization of limited enrollment in a subsequent delivery of the BLET shall not be issued by the
32 Standards Division unless in addition to the evidence required by Paragraphs Paragraph (a) through (d) of this Rule:

- 33 (1) The school director of the previous course offering submits to the Standards Division a
34 certification of the particular topics and class hours attended and satisfactorily completed by the
35 trainee during the original enrollment; and
- 36 (2) The school director makes written application to the Standards Division for authorization of the
37 trainee's limited enrollment.

1 ~~(d)~~(f) An authorization of limited enrollment in a subsequent course delivery permits the trainee to attend an
2 offering of BLET commencing within 120 calendar days from the date of administration of the state comprehensive
3 examination in the trainee's prior course delivery.

4 (1) The trainee shall attend and complete in its entirety each cognitive topical area and/or motor skill
5 identified by the school director as an area of trainee deficiency in the prior course participation
6 with the exception of the "Officer Health and Wellness" topical area.

7 (2) The two options available for satisfying a deficiency in the "Officer Health and Wellness" topical
8 area are:

9 (A) the student shall be allowed to make up the deficiency at the original training site without
10 enrolling in a subsequent delivery of BLET. Under this option, the student shall be given
11 120 calendar days from the date that the comprehensive state examination was
12 administered to the original BLET course in order to satisfy this deficiency. Students who
13 select this option shall be allowed two attempts to complete the entire Police Officer
14 Physical Abilities Test (POPAT) Course with a minimum of 24 hours of rest between
15 attempts during the 120-day period to satisfy the deficiency; or

16 (B) the student shall be allowed to enroll in a subsequent delivery of BLET as a "limited
17 enrollee." This delivery shall begin within 120 calendar days from the date that the
18 comprehensive state examination was administered to the original BLET course in order
19 to satisfy this deficiency. Students who select this option shall be allowed two attempts to
20 complete the entire POPAT Course with a minimum of 24 hours of rest between attempts
21 during the delivery period of the subsequent BLET course.

22 A certified "~~Officer Health and Wellness~~" Specialized Physical Fitness Instructor ~~instructor~~ is the only
23 person qualified to administer and grade the fitness re-test. At the time of the re-test, the school director or
24 the Qualified Assistant shall be present.

25 (3) Following limited enrollment in the subsequent course offering, scheduled class attendance, and
26 having received passing grades on all required topic and motor-skill tests, and having no
27 deficiencies, the trainee shall be eligible for administration of the State comprehensive
28 examination by the Commission, as set forth in Rule .0406 of this Section.

29
30 History Note: Authority G.S. 17C-6; 17C-10;

31 *Eff. January 1, 1981;*

32 *Amended Eff. February 1, 2014; August 1, 2000; July 1, 1989; July 1, 1985; April 1, 1984;*

33 *January 1, 1983;*

34 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
35 *2019.*

36 *Amended Eff. January 1, 2026; January 1, 2025.*
37

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09E .0106

DEADLINE FOR RECEIPT: December 11, 2025.

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

Lines 5-6, "prior" through "duties" was not published in the Register. Why does this not constitute a "substantial change" under G.S. 150B-21.2(g)?

Line 11, "Day Accuracy Qualification" was not published in the Register. Why does this not constitute a "substantial change" under G.S. 150B-21.2(g)?

Lines 30-31, all of "(c)" was not published in the Register. Why does this not constitute a "substantial change" under G.S. 150B-21.2(g)?

Page 3, lines 3-4, "If" through "Rule" was not published in the Register. Why does this not constitute a "substantial change" under G.S. 150B-21.2(g)?

Lines 6-7, "prior" through "duties" was not published in the Register. Why does this not constitute a "substantial change" under G.S. 150B-21.2(g)?

Lines 14-15, "requirements" through "thereafter" was not published in the Register. Why does this not constitute a "substantial change" under G.S. 150B-21.2(g)?

Lines 16-17, "The accuracy" through "low" was published in the Register but are stricken here. Also, "sunset" through "Time" were not published but are now in the Rule. How does this not constitute a substantial change under 150B-21.2(g)?

Line 19, please cite the location of the "U.S. Naval Observatory chart".

Line 22, what is "HR 218"? Please clarify or properly cite the law intended.

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

Travis C. Wiggs
Commission Counsel
Submitted to Agency: November 25, 2025

12 NCAC 09E .0106 is amended, with changes, as published in 40:06 NCR 518- 561 as follows:

12 NCAC 09E .0106 ANNUAL ~~IN-SERVICE~~ FIREARMS QUALIFICATION SPECIFICATIONS

(a) All certified law enforcement officers shall qualify for both day and ~~night~~ low-light use with ~~their individual and~~ each department-approved service ~~handguns handgun~~ prior to carrying the handgun in the performance of law enforcement duties and at least once each calendar ~~year~~ year thereafter. For the purpose of this specification, service handgun shall include any semi-automatic pistol or revolver. ~~In addition to the requirements specified in Rule .0105 of this Subchapter, the course of fire shall not be less stringent than the "Basic Training Law Enforcement Officers" course requirements for firearms qualification.~~

(b) The Accuracy Qualification course of fire shall meet the following minimum ~~requirements:~~ requirements for Day Accuracy Qualification:

~~a.~~ Day Accuracy Qualification:

(1) ~~i.~~ No fewer than thirty (30) rounds

(2) ~~ii.~~ Firing from the three (3), five (5), seven (7), ten (10), fifteen (15), and twenty-five (25) yard lines shall consist of no more than the following percentage of shots at each yard line:

(A) ~~1.~~ 3 yard line: 10%

(B) ~~2.~~ 5yard line: 12%

(C) ~~3.~~ 7 yard line: 30%

(D) ~~4.~~ 10 yard line: 20%

(E) ~~5.~~ 15 yard line: 25%

(F) ~~6.~~ 25 yard line: 20%

(3) ~~iii.~~ Firing at least two rounds from each of the following positions:

(A) ~~1.~~ Standing

(B) ~~2.~~ Kneeling,

(C) ~~3.~~ Barricade

(4) ~~iv.~~ Firing at least two rounds dominant hand only

(5) ~~v.~~ Firing at least two rounds support hand only

(6) ~~vi.~~ Fire after drawing from the holster

(7) ~~vii.~~ At least one stage that includes a mandatory magazine change

(c) The Accuracy Qualification course of fire shall meet the following minimum ~~requirements:~~ requirements for Low-Light Accuracy Qualification:

~~b.~~ Low-Light Accuracy Qualification:

(1) ~~i.~~ No fewer than thirty (30) rounds

(2) ~~ii.~~ Firing from the three (3), five (5), seven (7), ten (10), and fifteen (15) yard lines shall consist of no more than the following percentage of shots at each yard line:

(A) ~~1.~~ 3 yard line: 13%

(B) ~~2.~~ 5 yard line: 26%

- (C) ~~[3-]~~ 7 yard line: 24%
- (D) ~~[4-]~~ 10 yard line: 24%
- (E) ~~[5-]~~ 15 yard line: 24%.
- (3) ~~[iii-]~~ Firing at least two rounds from the following positions:
- (A) ~~[1-]~~ Standing
- (B) ~~[2-]~~ Kneeling
- (4) ~~[iv-]~~ Firing at least two rounds dominant hand only
- (5) ~~[v-]~~ Firing at least two rounds support hand only
- (6) ~~[vi-]~~ Firing after drawing from the holster
- (7) ~~[vii-]~~ At least one stage that includes a mandatory magazine change
- (8) ~~[viii-]~~ At least one stage that includes the required use of a flashlight or weapon-mounted light
- (9) ~~[ix-]~~ At least one stage that includes the use of blue lights
- (10) ~~[x-]~~ At least one stage that includes the use of low-beam headlights and blue lights.
- (11) ~~[xi-]~~ At least one stage that includes the use of headlights, blue lights, and all available lighting.
- ~~(e)~~(d) All certified law enforcement officers shall successfully complete a Decision Making Qualification course for both day and low-light at least once each calendar year.
- ~~(d)~~(e) The Decision Making Qualification course shall meet the following minimum requirements:
- ~~(a-)~~(1) Day Decision Making Qualification:
- ~~(i-)~~(A) No fewer than three decision points within the course
- ~~(ii-)~~(B) Required target discrimination decision (shoot/no-shoot)
- ~~(iii-)~~(C) Required articulation by the officer of a minimum of two decisions made during the course
- ~~(iv-)~~(D) Shall contain a detailed diagram of the decision-making course, with a written explanation of the course, and a scoring matrix outlining what constitutes passing and failing performance, which shall be maintained in an Annual Qualification file by the agency and made available for audit.
- ~~(b-)~~(2) Low-Light Decision Making Qualification:
- ~~(i-)~~(A) No fewer than three decision points within the course
- ~~(ii-)~~(B) Required target discrimination decision (shoot/no-shoot)
- ~~(iii-)~~(C) Required use of a flashlight, weapon mounted light, or other shooter-controlled light source
- ~~(iv-)~~(D) Required articulation by the officer of a minimum of two decisions made during the course
- ~~(v-)~~(E) Shall contain a detailed diagram of the decision-making course, with a written explanation of the course, and a scoring matrix outlining what constitutes passing and failing performance, which shall be maintained in an Annual Qualification file by the agency, and made available for audit.

~~(b)~~~~(e)~~~~(f)~~ If an officer's ~~duty~~ service handgun is replaced with another service handgun of the same make and model, the officer shall successfully complete the Day Accuracy Qualification ~~qualify both day and night~~ with the new service handgun within 15 days of issuance. If the replacement handgun is not the same make and model, the officer shall qualify pursuant to Paragraph (a) of this Rule.

~~(e)~~~~(f)~~~~(g)~~ All certified law enforcement officers who are issued or authorized to use a shotgun, rifle, or automatic weapon shall qualify with each weapon respectively for both day and ~~night~~ low-light use prior to carrying the weapon in the performance of law enforcement duties and at least once each calendar ~~year~~, year thereafter.

~~(d)~~~~(e)~~~~(h)~~ The accuracy qualification ~~qualifications~~ courses required by Paragraphs (a) through (c) ~~and (b)~~ of this Rule shall be completed with duty equipment and duty ammunition or ballistic-equivalent ammunition, including lead-free ammunition that meets the same point of aim, point of impact, and felt recoil of the duty ammunition for all weapons.

~~(d)~~~~(i)~~ All certified law enforcement officers who are issued or authorized to use a less-lethal weapon, that may also be classified as a firearm, shall qualify with each weapon respectively, in compliance with the manufacturers specifications or certification ~~requirements~~, requirements prior to carrying the weapon in the performance of law enforcement duties and as required by the manufacturer thereafter.

~~(i)~~~~(j)~~ ~~The accuracy qualifications and decision-making qualification courses required by paragraphs (a) through (f) and (j) of this Rule, shall define low~~ Low light for an outdoor range is defined as beginning 30 minutes after ~~sunset~~, sunset during Eastern Standard Time and as beginning 90 minutes after sunset during Eastern Daylight Time, based on the time provided by the U.S. Naval Observatory chart for the date of qualification, specific to the location of the outdoor range. For an indoor range, transition to a low-light environment occurs by cutting off the lighting and is not defined by a specific time.

~~(e)~~~~(i)~~~~(k)~~ Pursuant to NCGS 14-269 and HR 218, all ~~All~~ certified law enforcement officers who are authorized to carry an off-duty or secondary ~~handguns~~ handgun shall qualify with each such handgun consistent with the specifications outlined in ~~Rules .0105(1) and .0106(a) and (h) of this Section~~, paragraphs (a) through (c) ~~and (b)~~ of this rule.

~~(f)~~~~(k)~~~~(l)~~ To satisfy the ~~training~~ requirements for all ~~in-service~~ firearms accuracy qualifications, an officer shall attain at least ~~70~~ 80 percent accuracy with each weapon.

~~(f)~~~~(m)~~ To satisfy the requirements for all decision making qualification courses, an officer shall attain a passing score as outlined by the specific courses scoring matrix.

~~(m)~~~~(n)~~ Each Day Accuracy Qualification course and Low-Light Accuracy Qualification course:

~~a.~~ (1) Shall be completed successfully on a single day, once out of three attempts.

~~b.~~ (2) Failure to qualify within three attempts on a single day is deemed a failure.

~~c.~~ (3) Once qualification has begun, if an officer is unsuccessful at any qualification attempt and fails to complete three attempts in a single day, the officer is deemed to have failed to qualify.

~~d.~~ (4) No practice is allowed once qualification begins. Practice is not allowed until after the officer qualifies successfully or the third qualification attempt is completed.

~~e.~~ (5) Shall be completed with each weapon for which qualification is required

~~(f.)~~ (6) Each Qualification course may take place on different days; however, all three attempts to qualify for that course shall occur on that day.

~~(g.)~~ (7) Once an officer has failed to qualify in three attempts or failed to complete three attempts to qualify in a single day on any Qualification course, Access to the weapon shall be restricted until such time the officer successfully qualifies with the weapon. The restriction is pursuant to ~~(this)~~ Rule .0103 (4) and ~~(5-)~~ (5) of this Section.

~~(n)~~ (o) Each Day Decision Making Qualification course and Low-Light Decision Making Qualification course:

~~(a-)~~ (1) Shall be completed successfully on a single day, once out of three attempts.

~~(b-)~~ (2) Failure to qualify within three attempts on a single day is deemed a failure.

~~(e-)~~ (3) Once qualification has begun, if an officer is unsuccessful at any qualification attempt and fails to complete three attempts in a single day, the officer is deemed to have failed to qualify.

~~(d-)~~ (4) No practice is allowed once qualification begins. Practice is not allowed until after the officer qualifies successfully or the third qualification attempt is completed.

~~(e-)~~ (5) Each qualification course may take place on different days; however, all three attempts to qualify for that course shall occur on that day.

~~(f-)~~ (6) Once an officer has failed to qualify in three attempts or failed to complete three attempts to qualify in a single day on any qualification course, Access to the weapon shall be restricted until such time the officer successfully qualifies with the weapon. The restriction is pursuant to ~~(this)~~ Rule .0103 (4) and ~~(5-)~~ (5) of this Section.

~~(g) The qualifications required by Paragraphs (a) and (c) of this Rule shall be achieved at least once in a single day in no more than three attempts in a single day for each course of fire and for each weapon for which qualification is required. Individuals not qualifying in a single day for each course of fire or for a certain weapon for which qualification is required shall be deemed as having failed and Rule .0103(4) and (5) of this Section shall apply.~~

~~(h) The In-Service Firearms Qualification Manual as published by the North Carolina Justice Academy shall be applied as a guide for conducting the annual in-service firearms qualification. Copies of this publication may be inspected at the office of the agency:~~

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Raleigh, North Carolina 27610

~~and may be viewed and downloaded at no cost from the Academy's website at the following address:~~

~~<http://www.jus.state.nc.us/NCJA>~~

*History Note: Authority G.S. 17C-6; 17C-10;
Eff. July 1, 1989;
Amended Eff. January 1, 2019; April 1, 2018; January 1, 2006; January 1, 2005; November 1, 1998; March 1, 1992;*

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Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.
Amended Eff. January 1, 2026