

Burgos, Alexander N

Subject: FW: [External] Re: RRC Meeting December 2025-Request for Technical Changes
Attachments: 12 NCAC 09A .0204 Suspension Revocation or Denial of Certification.docx

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Tuesday, December 16, 2025 10:40 AM
To: Lock, Meghan E <mlock@ncdoj.gov>; Cardoza, Holly <hcardoza@ncdoj.gov>
Cc: Schilling, Michelle <mschilling@ncdoj.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Re: RRC Meeting December 2025-Request for Technical Changes

Good morning,

Thank you for the update. We will add this amended Rule to the agenda for this Thursday. Please remember to include alexander.burgos@oah.nc.gov on all RRC emails.

Alex, the attached Rule is final. Please remove "Agency request to withdraw rule" but it should be included under "Communication with agency". I will email the Commissioners once it's updated on the agenda.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Lock, Meghan <Mlock@NCDOJ.GOV>
Sent: Tuesday, December 16, 2025 10:21 AM
To: Cardoza, Holly <hcardoza@ncdoj.gov>; Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Schilling, Michelle <mschilling@ncdoj.gov>
Subject: Re: [External] Re: RRC Meeting December 2025-Request for Technical Changes

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The exec committee has approved the removal of the "moral turpitude" language and would request the rule be put forward as it is below in Holly's email from Friday. Thank you so much for your patience and working with us on this! Hope you're feeling better and have a great week! Let me know if you need anything else.

MEL

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

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~~ committed, pursuant to 12 NCAC 09A .0103(6), 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; title.~~
13 pursuant to 12 NCAC 09C .0303(d) and 09G .0304(a).
- 14 (2) fails to meet or maintain one or more of the minimum employment standards required by 12
15 NCAC 09B .0100 for the category of the officer's certification or fails to meet or maintain one or
16 more of the minimum training standards required by 12 NCAC 09B .0200 or 12 NCAC 09B .0400
17 for the category of the officer's certification;
- 18 (3) has committed or been convicted of:
 - 19 (A) a criminal offense or unlawful act defined in 12 NCAC 09A ~~.0103~~ .0103(26)(b) as a
20 Class B misdemeanor; or
 - 21 (B) four or more criminal offenses or unlawful acts defined in 12 NCAC 09A ~~.0103~~
22 .0103(26)(a) as a Class A misdemeanor, each of which occurred after the date of initial
23 certification;
- 24 (4) has been ~~discharged~~ separated by a criminal justice agency for commission or conviction ~~of of:~~
25 ~~(A) —a motor vehicle offense requiring the revocation of the officer's driver's license. license;~~
26 ~~or~~
27 ~~(B) —any other offense involving moral turpitude;~~
- 28 (5) has been discharged by a criminal justice agency because the officer lacks the mental or physical
29 capabilities to properly fulfill the responsibilities of a criminal justice officer;
- 30 (6) has knowingly made a material ~~misrepresentation~~ misrepresentation, including knowingly
31 providing false or omitting information. of any information required for certification or
32 accreditation;
- 33 (7) has knowingly and willfully, by any means of false pretense, deception, defraudation,
34 ~~misrepresentation~~ misrepresentation, or ~~cheating whatsoever, cheating,~~ obtained or attempted to
35 obtain credit, ~~training~~ training, or certification from the Commission;

- 1 (8) has knowingly and willfully, by any means of false pretense, deception, defraudation,
2 ~~misrepresentation~~ ~~misrepresentation~~, or ~~cheating whatsoever~~, ~~cheating~~, aided another person in
3 obtaining or attempting to obtain credit, ~~training~~ ~~training~~, or certification from the Commission;
4 (9) has failed to make either of the notifications as required by 12 NCAC 09B .0101(13);
5 (10) has been removed from office by decree of the Superior Court in accord with the provisions of
6 G.S. 128-16 or has been removed from office by sentence of the court in accord with the
7 provisions of G.S. 14-230;
8 (11) fails to satisfactorily complete the minimum in-service training requirements as prescribed in 12
9 NCAC ~~09E;~~ ~~09E .0100;~~
10 (12) has refused to submit to a ~~an applicant or lateral transferee~~ drug screen as required by ~~12 NCAC~~
11 ~~09C .0310 and 09G .0211;~~ ~~the rules in this Chapter, or has refused to submit to an in-service drug~~
12 ~~screen pursuant to the guidelines set forth in the Drug Screening Implementation Guide as~~
13 ~~required by the agency through which the officer is certified;~~
14 (13) has produced a positive result on a drug screen reported to the Commission as specified in 12
15 NCAC 09C ~~.0310;~~ ~~.0310~~ or ~~09G .0211;~~ where the positive result cannot be explained to the
16 Commission's satisfaction;
17 (14) has been denied certification or had certification suspended or revoked by the North Carolina
18 Sheriffs' Education and Training Standards Commission, the North Carolina Criminal Justice
19 Education and Training Standards Commission; the North Carolina Company/Campus Police
20 Program; or a similar North Carolina, out of state or federal approving, certifying or licensing
21 agency;
22 (15) has performed activities or duties for which certification by the Commission is required without
23 having first obtained the appropriate certification; or
24 (16) has been convicted of any offense proscribed by 18 USC 922(g)(8) that would prohibit possession
25 of a firearm or ~~ammunition~~ ~~ammunition~~;
26 (17) has engaged in sexual activity, whether in uniform of the employing agency or out of uniform,
27 (A) while on duty;
28 (B) while on or off duty in a motor vehicle owned or under the control of a law enforcement
29 agency;
30 (C) while on or off duty on the premises operated by the employing criminal justice agency;
31 (D) while in uniform of the employing agency in a public place;
32 (E) with an employee with whom the person had at the time supervisory responsibilities; or
33 (F) with a student who at the time is enrolled in a Commission-approved course in which the
34 officer is an instructor, qualified assistant, or school director.
35 For purposes of this subsection, sexual activity includes any act defined as a sexual act or sexual
36 contact per [N.C.G.S.] G.S. 14-27.20 and includes vaginal intercourse; or

1 (18) has been found to be untruthful during a criminal or internal formal investigation conducted by a
2 law enforcement agency or during an investigation for a rules violation conducted by the North
3 Carolina Criminal Justice Standards Division, North Carolina Sheriffs' Standards [Division]
4 Division, or the North Carolina Company and Campus Police Administrator.

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

8
9 *History Note: Authority G.S. 17C-6; 17C-10;*
10 *Eff. January 1, 1981;*
11 *Amended Eff. April 1, 2009; February 1, 2006; August 1, 2001; August 1, 1995; November 1,*
12 *1993; March 1, 1992; July 1, 1990;*
13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
14 *2019.*
15 *Amended Eff. January 1, 2026*



Meghan E. Lock

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MLock@ncdoj.gov

Please note messages to or from this address may be public records.

From: Cardoza, Holly <hcardoza@NCDOJ.GOV>

Sent: Friday, December 12, 2025 3:58 PM

To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Cc: Schilling, Michelle <mschilling@ncdoj.gov>; Lock, Meghan <MLock@NCDOJ.GOV>

Subject: Re: [External] Re: RRC Meeting December 2025-Request for Technical Changes

Good Afternoon,

Please see the attached draft of 12 NCAC 09A .0204, with the “moral turpitude” standard struck through on line 27. Please let me know if you need anything further from us at this time.

All the best,

Holly



Holly M. Cardoza

CJETS Rules Coordinator

Criminal Justice Standards Division

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Raleigh, North Carolina 27610

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Burgos, Alexander N

Subject: FW: [External] Re: RRC Meeting December 2025-Request for Technical Changes

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Friday, December 12, 2025 4:11 PM
To: Cardoza, Holly <hcardoza@ncdoj.gov>
Cc: Schilling, Michelle <mschilling@ncdoj.gov>; Lock, Meghan E <mlock@ncdoj.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Re: RRC Meeting December 2025-Request for Technical Changes

Thank you, Holly. Please notify me of how the Commission wishes to proceed as soon as possible.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Cardoza, Holly <hcardoza@NCDOJ.GOV>
Sent: Friday, December 12, 2025 3:58 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Schilling, Michelle <mschilling@ncdoj.gov>; Lock, Meghan E <mlock@ncdoj.gov>
Subject: Re: [External] Re: RRC Meeting December 2025-Request for Technical Changes

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Good Afternoon,

Please see the attached draft of 12 NCAC 09A .0204, with the “moral turpitude” standard struck through on line 27. Please let me know if you need anything further from us at this time.

All the best,

Holly



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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Friday, December 12, 2025 3:17 PM
To: Lock, Meghan <Mlock@NCDOJ.GOV>; Cardoza, Holly <hcardoza@NCDOJ.GOV>
Cc: Schilling, Michelle <mschilling@ncdoj.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Re: RRC Meeting December 2025-Request for Technical Changes

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Meghan,

Are you able to chat now? If not, let's schedule a time Monday morning. I have physical therapy at 9am on Monday. I'm happy to chat with you before or after my appointment.

Thanks,

Travis C. Wiggs
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From: Lock, Meghan <Mlock@NCDOJ.GOV>
Sent: Friday, December 12, 2025 12:06 PM
To: Cardoza, Holly <hcardoza@ncdoj.gov>; Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Schilling, Michelle <mschilling@ncdoj.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Re: RRC Meeting December 2025-Request for Technical Changes

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Travis-

I hope you're recovering smoothly. I've been on the phone with Chariman Blue today, and I believe the executive committee is prepared to vote on an alternative plan. Do you have some time before then to chat on the phone so I can float the idea? I'm certainly not trying to take up much time or inconvenience you while you are on the mend, I just wanted to get this shored up for you. Thank you!

MEL



Meghan E. Lock
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From: Cardoza, Holly <hcardoza@NCDOJ.GOV>
Sent: Friday, December 12, 2025 12:03 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Schilling, Michelle <mschilling@ncdoj.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Lock, Meghan <MLock@NCDOJ.GOV>
Subject: Re: [External] Re: RRC Meeting December 2025-Request for Technical Changes

Good Morning Travis,

After further consideration, the Executive Committee would like to consider an alternative to pulling 12 NCAC 09A .0204. We will provide further communication as soon as possible. Is there a firm deadline that you would need a response by?

Thank you for your time, and I apologize for any inconvenience.

All the best,

Holly



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Burgos, Alexander N

From: Cardoza, Holly <hcardoza@NCDOJ.GOV>
Sent: Friday, December 12, 2025 9:31 AM
To: Rules, Oah
Cc: Wiggs, Travis C; Burgos, Alexander N; Schilling, Michelle; Lock, Meghan E
Subject: [External] Revised Rules for RRC 12/18
Attachments: 12 NCAC 09E .0106 Annual Firearms Qualification Specifications.docx; 12 NCAC 09B .0405 Completion of Basic Law Enforcement Training.docx

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Good morning,

Please find attached the revised rules for consideration at the 12/18 RRC meeting. These revisions were made at the request of RRC Counsel, Travis Wiggs.

Thank you,

Holly



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

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

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

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

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

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

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

(b) The trainee shall demonstrate proficiency in the cognitive topical areas and motor skills ~~academic tests~~ by achieving a minimum score of 70 percent on each ~~each~~ ~~each academic~~ test. If a trainee scores below 70 percent on a cognitive topical area or motor skills ~~each academic~~ test, the trainee shall have one opportunity for reexamination. A trainee shall be allowed failure and reexamination in no more than seven ~~nine~~ cognitive topical areas and motor 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 091.0103.] which contains the trainee's
16 name, instructor's name, and the remediation plan. The trainee shall:

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

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

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

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

- 35 (1) The school director of the previous course offering submits to the Standards Division a
36 certification of the particular topics and class hours attended and satisfactorily completed by the
37 trainee during the original enrollment; and

- (2) The school director makes written application to the Standards Division for authorization of the trainee's limited enrollment.
- (d)(f) An authorization of limited enrollment in a subsequent course delivery permits the trainee to attend an offering of BLET commencing within 120 calendar days from the date of administration of the state comprehensive examination in the trainee's prior course delivery.
- (1) The trainee shall attend and complete in its entirety each cognitive topical area and/or motor skill identified by the school director as an area of trainee deficiency in the prior course participation participation, with the exception of the "Officer Health and Wellness" topical area.
- (2) The two options available for satisfying a deficiency in the "Officer Health and Wellness" topical area are:
- (A) the student shall be allowed to make up the deficiency at the original training site without enrolling in a subsequent delivery of BLET. Under this option, the student shall be given 120 calendar days from the date that the comprehensive state examination was administered to the original BLET course in order to satisfy this deficiency. Students who select this option shall be allowed two attempts to complete the entire Police Officer Physical Abilities Test (POPAT) Course with a minimum of 24 hours of rest between attempts during the 120-day period to satisfy the deficiency; or
- (B) the student shall be allowed to enroll in a subsequent delivery of BLET as a "limited enrollee." This delivery shall begin within 120 calendar days from the date that the comprehensive state examination was administered to the original BLET course in order to satisfy this deficiency. Students who select this option shall be allowed two attempts to complete the entire POPAT Course with a minimum of 24 hours of rest between attempts during the delivery period of the subsequent BLET course.
- A certified "~~Officer Health and Wellness~~" Specialized Physical Fitness Instructor ~~instructor~~ is the only person qualified to administer and grade the fitness re-test. At the time of the re-test, the school director or the Qualified Assistant shall be present.
- (3) Following limited enrollment in the subsequent course offering, scheduled class attendance, and having received passing grades on all required topic and motor-skill tests, and having no deficiencies, the trainee shall be eligible for administration of the State comprehensive examination by the Commission, as set forth in Rule .0406 of this Section.

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

Eff. January 1, 1981;

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

January 1, 1983;

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

Amended Eff. January 1, 2026; January 1, 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, pursuant to 12 NCAC 09E .0103(5) and (6), 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.~~ 5 yard 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.

~~(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, pursuant to 12 NCAC 09E .0103(5) and (6), 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.

~~(h)~~~~(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, pursuant to 12 NCAC 09E .0103(7), 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~~ For the purposes of this Rule, low light for an outdoor range is defined as beginning 30 minutes after sunset, based on the time provided by the U.S. Naval Observatory chart (located here: https://aa.usno.navy.mil/data/RS_OneYear) 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)~~~~(f)~~~~(k)~~ Pursuant to NCGS 14-269 and HR ~~[218;]~~ 218 (located here: <https://www.congress.gov/bill/108th-congress/house-bill/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)~~~~(k)~~~~(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.

~~(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) 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;*

1
2
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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

Burgos, Alexander N

Subject: FW: [External] Re: RRC Meeting December 2025-Request for Technical Changes

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Thursday, December 11, 2025 8:41 PM
To: Lock, Meghan E <mlock@ncdoj.gov>; Cardoza, Holly <hcardoza@ncdoj.gov>
Cc: Schilling, Michelle <mschilling@ncdoj.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Re: RRC Meeting December 2025-Request for Technical Changes

Thank you, Meghan!

Also, I assume you all would like to proceed with keeping the remaining rules on the agenda for December. I'm satisfied with the changes to those rules. Please email all the submitted rules, with revisions, to oah.rules@oah.nc.gov by tomorrow at 5pm. Please copy me and alexander.burgos@oah.nc.gov to the email.

Thanks,

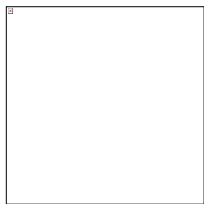
Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Lock, Meghan <Mlock@NCDOJ.GOV>
Sent: Thursday, December 11, 2025 6:58 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Cardoza, Holly <hcardoza@ncdoj.gov>
Cc: Schilling, Michelle <mschilling@ncdoj.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Re: RRC Meeting December 2025-Request for Technical Changes

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Thank you Travis. I hope the surgery went well and wishing you a swift recovery!

MEL



Meghan E. Lock
Assistant Attorney General
Special Prosecutions and Law Enforcement
North Carolina Department of Justice
Board Certified Specialist in State Criminal Law

114 W. Edenton Street
Raleigh, NC 27603
919-716-6564 (office)
Mlock@ncdoj.gov

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Thursday, December 11, 2025 6:47:33 PM
To: Cardoza, Holly <hcardoza@NCDOJ.GOV>
Cc: Schilling, Michelle <mschilling@ncdoj.gov>; Lock, Meghan <Mlock@NCDOJ.GOV>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Re: RRC Meeting December 2025-Request for Technical Changes

EXTERNAL SENDER: This email originated from outside the organization. Do not click on links or open attachments unless you can validate the sender and the contents are safe.

Good evening, Holly,

Thank you for letting us know. We will add your request to the agenda for it to be addressed at the meeting.

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Cardoza, Holly <hcardoza@NCDOJ.GOV>
Sent: Thursday, December 11, 2025 4:47 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Schilling, Michelle <mschilling@ncdoj.gov>; Lock, Meghan E <mlock@ncdoj.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Re: RRC Meeting December 2025-Request for Technical Changes

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Good Afternoon,

After additional discussion, we have come to the conclusion that this is a topic we need to address with our full Commission. Accordingly, we respectfully request to withdraw 12 NCAC 09A .0204 from Rules Review at this time. We intend to refile the rule at a later date. Until then, the rule will remain as currently published in the Code.

Thank you,

Holly



Holly M. Cardoza
CJETS Rules Coordinator
Criminal Justice Standards Division
Phone: (919) 661-5991
hcardoza@ncdoj.gov
1700 Tryon Park Drive
Raleigh, North Carolina 27610
ncdoj.gov

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Burgos, Alexander N

Subject: FW: [External] Re: RRC Meeting December 2025-Request for Technical Changes

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Wednesday, December 10, 2025 9:25 PM
To: Cardoza, Holly <hcardoza@ncdoj.gov>
Cc: Schilling, Michelle <mschilling@ncdoj.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Re: RRC Meeting December 2025-Request for Technical Changes

Good evening,

Thank you for the revisions and responses. Please see one request below:

12 NCAC 09A .0204

- Now line 26: my confusion with the chosen language is using “any *other offense* involving moral turpitude” seems to refer to (A), “ a motor vehicle offense requiring the revocation of the officer’s driver's license.” I would not interpret DWLR as an offense of “moral turpitude”. Please clarify. Also, what other offenses has your agency historically interpreted as involving “moral turpitude”?

Please reply at your earliest convenience.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] Re: RRC Meeting December 2025-Request for Technical Changes
Attachments: Request for Technical Changes-CJETS.docx; 12 NCAC 09E .0106 Annual Firearms Qualification Specifications.docx; 12 NCAC 09A .0204 Suspension Revocation or Denial of Certification.docx; 12 NCAC 09B .0405 Completion of Basic Law Enforcement Training.docx; Public Hearing Notice Email.pdf

From: Cardoza, Holly <hcardoza@NCDOJ.GOV>
Sent: Wednesday, December 10, 2025 5:47 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Schilling, Michelle <mschilling@ncdoj.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] Re: RRC Meeting December 2025-Request for Technical Changes

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CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Good Evening,

The revised rules and responses based on your feedback are attached above. Please let me know if there is anything else you need from us at this time.

Thank you,

Holly



Holly M. Cardoza
CJETS Rules Coordinator
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Phone: (919) 661-5991
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1700 Tryon Park Drive
Raleigh, North Carolina 27610
ncdoj.gov

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Request for Changes Pursuant to
N.C. Gen. Stat. § 150B-21.10

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

Questions contained herein suggest that the rule as written is unclear or there is some ambiguity. If this document includes questions and you do not understand the question, please contact the reviewing attorney to discuss. Failure to respond may result in a staff opinion recommending objection.

Staff may suggest the agency "consider" an idea or language in this document. This is in no way a formal request that the agency adopt the idea or language but rather is offered merely for the agency's consideration which the agency may find preferable and clarifying.

To properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov and copy RRC Counsel. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: "association"
 - Right: "~~association~~ Association"
6. Treat punctuation as part of a word. For example:
 - Wrong: "day;, and"
 - Right: "~~day,~~ day, and"
7. Formatting instructions and examples may be found at:
www.ncoah.com/rules/examples.html

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

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: 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)?

Response: Please see the documents attached under the "Forms" section of this page: [Forms & Publications](#) All documents in the "Public Hearing 11-14-25" folder on that page—including the Public Hearing Notice document—have a timestamp showing they were posted on 26-08-2025 (August 26, 2025).

Please also see the PDF attached in the email with this document which includes email notification of the documents being posted. On the same day, the link to the meeting was posted here: [Commission Meeting Information - NCDOJ](#)

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.

Response: Page numbers added.

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?

Response: Language clarified.

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?

Response: For the purposes of subparagraph (a)(2), the determination is based on a single criminal offense for which the authorized punishment includes imprisonment for more than two years. Authorized punishments for multiple separate offenses may not be combined to reach a total of exceeding two years.

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

Response: Language clarified.

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.

Response: Language Clarified.

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

Response: Citation amended.

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

Response: Citation amended.

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

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

Response: Language clarified.

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

Response:

The term “moral turpitude” is a legal concept utilized across many disciplines of law including immigration, criminal law, and civil law, and is defined by decades of case law. Moral turpitude is generally defined by Black’s law dictionary as an "act of baseness, vileness, or depravity in private and social duties which man owes to his fellow men, or to society in general, contrary to the accepted and customary rule of right and duty between man and man." Black's Law Dictionary 910 (rev. 5th ed. 1979). While the term may be open to interpretation, many legal terms within our field, including elements of statutory crimes and the applicability of common law crimes, are open to interpretation; this does not render them ambiguous. Even Deferred Prosecutions under N.C. Gen. Stat. § 15A-1341reference the term “moral turpitude” in stating that to qualify, a Defendant may not have “been convicted of any felony or of any misdemeanor involving moral turpitude”.

Courts have long held this term to be sufficiently descriptive. In *Dew v. State ex rel. North Carolina DMV*, a case involving the Commissioner of the North Carolina Department of Motor Vehicles’ revocation of a car dealer's salesman and dealer license over a crime of moral turpitude, the Court of Appeals stated

“Contrary to plaintiff's contention, the term 'moral turpitude' is deeply rooted in American law. See *Jordan v. De George*, 341 U.S. 223, 227, 95 L. Ed. 886, 890, 71 S. Ct. 703 (1951). Our Supreme Court long ago defined HN4 crimes involving moral turpitude as "acts of baseness, vileness, or depravity in the private and social duties that a man owes to his fellowman or to society in general." *Jones v. Brinkley*, 174 N.C. 23, 27, 93 S.E. 372, 373 (1917). The Court recently repeated this definition in *State v. Mann*, 317 N.C. 164, 170, 345 S.E.2d 365, 369 (1986).” *Dew v. State ex rel. North Carolina DMV*, 127 N.C. App. 309, 488 S.E.2d 836, 1997 N.C. App. LEXIS 796.

Going back to 1917, the North Carolina Supreme Court defined moral turpitude as an “act of baseness, vileness or depravity in the private and social duties that a man owes to his fellowman or to society in general, contrary to the accepted and customary rule of right and duty between man and man”. *Jones v. Brinkley*, 174 N.C. 23, 93 S.E. 372, 1917 N.C. LEXIS .

The term is well accepted, with its meaning carved out across the spectrum of legal practice by decades of precedent. The term need not be defined in the rule for the rule to be understandable, interpretable, and enforceable.

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

Response: Language clarified.

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

Response: Resolved.

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

Response: Resolved.

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

Response: Resolved.

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

Response: Language clarified.

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.

Response: Language clarified.

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)?

Response: Language removed.

Line 32, delete “G.S.”.

Response: “N.C.” was deleted, but “G.S.” is still included per Chapter 10.2 of the Administrative Rule Style Guide.

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

Response: Language clarified.

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

Response: Comma added.

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

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)?

Response: Because of the increase in BLET course hours and lesson plans, we are increasing the opportunities for students to retest on cognitive tests and motor skills. Cognitive test and motor skills failures/retests were previously separated. Due to the increase from 640 to 868 hours in BLET and the combining of the two types of test failures in this rule, we are accounting for the potential increase in test failures. We are not adding any new requirement. The increase from seven/eight to nine/ten is a less-stringent standard that will have only a positive impact on students, as it gives them increased opportunities to retest and remain in the BLET program.

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

Response: 12 NCAC 09I .0103 is currently going through the rule adoption process and is expected to be in effect on February 1, 2026. Because of that rule's later adoption, reference has been removed and the form contents have been outlined.

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

Response: “course” added.

Line 32, add a comma after “unless”.

Response: comma added.

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

Response: comma added.

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 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)?

Response: This standard of not being able to carry a duty firearm without qualifying first is already outlined in 12 NCAC 09E .0103(5) and (6). The citation has been added.

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)?

Response: This change was simply a formatting change made in an effort to comply with the limit of subdivision levels as set out in OAH Rule 26 NCAC 02C .0206. The content is unchanged—what was published in the Register as Paragraph (b) was split into Paragraphs (b) and (c).

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)?

Response: See the above note under the Line 11 question. Lines 30-31 were added as a duplicate of the language in lines 10-11 for clarification. No content was changed or added, just reorganized—which required the added wording.

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)?

Response: Language removed.

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)?

Response: This standard of not being able to carry a duty firearm without qualifying first is already outlined in 12 NCAC 09E .0103(5) and (6). The citation has been added.

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)?

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

Response: This standard of not being able to carry a specialized duty weapon without qualifying first is already outlined in 12 NCAC 09E .0103(7). The citation has been added.

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)?

Response: The stricken text from “The accuracy” through “low” was redundant, since the definition of “low-light” applies to all instances of its use in the Rule. Clarifying language has been added in its place.

The added text from “sunset” to “Time” has been removed.

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

Response: Link to source incorporated.

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

Response: Link to source incorporated.

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

Re: #2

From Cardoza, Holly <hcardoza@NCDOJ.GOV>
Date Tue 8/26/2025 10:25 AM
To Schilling, Michelle <mschilling@ncdoj.gov>

Everything has been posted.



Holly M. Cardoza
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Please note messages to or from this address may be public records.

From: Schilling, Michelle <mschilling@ncdoj.gov>
Sent: Tuesday, August 26, 2025 10:18 AM
To: Cardoza, Holly <hcardoza@NCDOJ.GOV>
Subject: Re: #2



MICHELLE SCHILLING
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From: Cardoza, Holly <hcardoza@NCDOJ.GOV>
Sent: Tuesday, August 26, 2025 10:17 AM

To: Schilling, Michelle <mschilling@ncdoj.gov>

Subject: Re: #2

Missing Docs for:

- 12 NCAC 09G .0205
- 12 NCAC 09G .0311



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From: Schilling, Michelle <mschilling@ncdoj.gov>

Sent: Tuesday, August 26, 2025 10:04 AM

To: Cardoza, Holly <hcardoza@NCDOJ.GOV>

Subject: #2



MICHELLE SCHILLING

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For the Web #1

From Schilling, Michelle <mschilling@ncdoj.gov>

Date Tue 8/26/2025 9:58 AM

To Cardoza, Holly <hcardoza@NCDOJ.GOV>

 25 attachments (683 KB)

Public Hearing Notice - November 14, 2025.docx; 12 NCAC 09B .0213 Certification Training for Radar Time Distance Officers.docx; 12 NCAC 09B .0214 Certification Training for Time Distance Operators.docx; 12 NCAC 09B .0220 ReCertification Training for Radar Operators.docx; 12 ncac 09B .0221 ReCertification Course for Radar Time Distance Operators.docx; 12 NCAC 09B .0222 ReCertification for Time Distance Operators.docx; 12 NCAC 09B .0240 ReCertification Training Course for Lidar Operators.docx; 12 NCAC 09B .0243 ReCertification Training Course for Radar-Lidar Operators.docx; 12 NCAC 09B .0244 Certification Training for Radar-Time Distance-Lidar Operators.docx; 12 NCAC 09B .0245 ReCertification Training Course for Radar-Time Distance-Lidar Operators.docx; 12 NCAC 09B .0312 Instructor Certification Renewal.docx; 12 NCAC 09C .0608 Speed Measuring Instrument Operating Procedures.docx; 12 NCAC 09C .0212 Post Delivery Report of Training Course Presentation.docx; 12 NCAC 09D .0102 General Provisions.docx; 12 NCAC 09D .0104 Intermediate Law Enforcement Certificate.docx; 12 NCAC 09D .0105 Advanced Law Enforcement Certificate.docx; 12 NCAC 09D .0106 Method of Application.docx; 12 NCAC 09D .0202 General Provisions.docx; 12 NCAC 09D .0204 Intermediate Criminal Justice Certificate.docx; 12 NCAC 09D .0205 Advanced Criminal Justice Certificate.docx; 12 NCAC 09D .0206 Method of Application.docx; 12 NCAC 09G .0602 General Provisions.docx; 12 NCAC 09G .0604 Intermediate State Corrections Certificate.docx; 12 NCAC 09G .0605 Advanced State Corrections Certificate.docx; 12 NCAC 09G .0606 Method of Application.docx;

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~~ committed, pursuant to 12 NCAC 09A .0103(6), 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; title.~~
13 pursuant to 12 NCAC 09C .0303(d) and 09G .0304(a).
14 (2) fails to meet or maintain one or more of the minimum employment standards required by 12
15 NCAC 09B .0100 for the category of the officer's certification or fails to meet or maintain one or
16 more of the minimum training standards required by 12 NCAC 09B .0200 or 12 NCAC 09B .0400
17 for the category of the officer's certification;
18 (3) has committed or been convicted of:
19 (A) a criminal offense or unlawful act defined in 12 NCAC 09A ~~.0103~~ .0103(26)(b) as a
20 Class B misdemeanor; or
21 (B) four or more criminal offenses or unlawful acts defined in 12 NCAC 09A ~~.0103~~
22 .0103(26)(a) as a Class A misdemeanor, each of which occurred after the date of initial
23 certification;
24 (4) has been ~~discharged~~ separated by a criminal justice agency for commission or conviction of:
25 (A) a motor vehicle offense requiring the revocation of the officer's driver's license; or
26 (B) any other offense involving moral turpitude;
27 (5) has been discharged by a criminal justice agency because the officer lacks the mental or physical
28 capabilities to properly fulfill the responsibilities of a criminal justice officer;
29 (6) has knowingly made a material ~~misrepresentation~~ misrepresentation, including knowingly
30 providing false or omitting information. of any information required for certification or
31 accreditation;
32 (7) has knowingly and willfully, by any means of false pretense, deception, defraudation,
33 ~~misrepresentation~~ misrepresentation, or ~~cheating whatsoever~~ cheating, obtained or attempted to
34 obtain credit, ~~training~~ training, or certification from the Commission;
35 (8) has knowingly and willfully, by any means of false pretense, deception, defraudation,
36 ~~misrepresentation~~ misrepresentation, or ~~cheating whatsoever~~ cheating, aided another person in
37 obtaining or attempting to obtain credit, ~~training~~ training, or certification from the Commission;

- (9) has failed to make either of the notifications as required by 12 NCAC 09B .0101(13);
- (10) has been removed from office by decree of the Superior Court in accord with the provisions of G.S. 128-16 or has been removed from office by sentence of the court in accord with the provisions of G.S. 14-230;
- (11) fails to satisfactorily complete the minimum in-service training requirements as prescribed in 12 NCAC ~~09E; 09E .0100;~~
- (12) has refused to submit to a ~~an applicant or lateral transferee~~ drug screen as required by ~~12 NCAC 09C .0310 and 09G .0211; the rules in this Chapter, or has refused to submit to an in-service drug screen pursuant to the guidelines set forth in the Drug Screening Implementation Guide as required by the agency through which the officer is certified;~~
- (13) has produced a positive result on a drug screen reported to the Commission as specified in 12 NCAC 09C ~~.0310, .0310 or 09G .0211,~~ where the positive result cannot be explained to the Commission's satisfaction;
- (14) has been denied certification or had certification suspended or revoked by the North Carolina Sheriffs' Education and Training Standards Commission, the North Carolina Criminal Justice Education and Training Standards Commission; the North Carolina Company/Campus Police Program; or a similar North Carolina, out of state or federal approving, certifying or licensing agency;
- (15) has performed activities or duties for which certification by the Commission is required without having first obtained the appropriate certification; or
- (16) has been convicted of any offense proscribed by 18 USC 922(g)(8) that would prohibit possession of a firearm or ~~ammunition~~; ammunition;
- (17) has engaged in sexual activity, whether in uniform of the employing agency or out of uniform,
- (A) while on duty;
- (B) while on or off duty in a motor vehicle owned or under the control of a law enforcement agency;
- (C) while on or off duty on the premises operated by the employing criminal justice agency;
- (D) while in uniform of the employing agency in a public place;
- (E) with an employee with whom the person had at the time supervisory responsibilities; or
- (F) with a student who at the time is enrolled in a Commission-approved course in which the officer is an instructor, qualified assistant, or school director.
- For purposes of this subsection, sexual activity includes any act defined as a sexual act or sexual contact per [N.C.G.S.] G.S. 14-27.20 and includes vaginal intercourse; or
- (18) has been found to be untruthful during a criminal or internal formal investigation conducted by a law enforcement agency or during an investigation for a rules violation conducted by the North Carolina Criminal Justice Standards Division, North Carolina Sheriffs' Standards [Division] Division, or the 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*

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

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

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

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

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

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

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

(b) The trainee shall demonstrate proficiency in the cognitive topical areas and motor skills ~~academic tests~~ by achieving a minimum score of 70 percent on each ~~each~~ ~~each academic~~ test. If a trainee scores below 70 percent on a cognitive topical area or motor skills ~~each academic~~ test, the trainee shall have one opportunity for reexamination. A trainee shall be allowed failure and reexamination in no more than seven ~~nine~~ cognitive topical areas and motor 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 091.0103.] which contains the trainee's
16 name, instructor's name, and the remediation plan. The trainee shall:

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

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

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

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

- 35 (1) The school director of the previous course offering submits to the Standards Division a
36 certification of the particular topics and class hours attended and satisfactorily completed by the
37 trainee during the original enrollment; and

- (2) The school director makes written application to the Standards Division for authorization of the trainee's limited enrollment.
- (d)(f) An authorization of limited enrollment in a subsequent course delivery permits the trainee to attend an offering of BLET commencing within 120 calendar days from the date of administration of the state comprehensive examination in the trainee's prior course delivery.
- (1) The trainee shall attend and complete in its entirety each cognitive topical area and/or motor skill identified by the school director as an area of trainee deficiency in the prior course participation participation, with the exception of the "Officer Health and Wellness" topical area.
- (2) The two options available for satisfying a deficiency in the "Officer Health and Wellness" topical area are:
- (A) the student shall be allowed to make up the deficiency at the original training site without enrolling in a subsequent delivery of BLET. Under this option, the student shall be given 120 calendar days from the date that the comprehensive state examination was administered to the original BLET course in order to satisfy this deficiency. Students who select this option shall be allowed two attempts to complete the entire Police Officer Physical Abilities Test (POPAT) Course with a minimum of 24 hours of rest between attempts during the 120-day period to satisfy the deficiency; or
- (B) the student shall be allowed to enroll in a subsequent delivery of BLET as a "limited enrollee." This delivery shall begin within 120 calendar days from the date that the comprehensive state examination was administered to the original BLET course in order to satisfy this deficiency. Students who select this option shall be allowed two attempts to complete the entire POPAT Course with a minimum of 24 hours of rest between attempts during the delivery period of the subsequent BLET course.
- A certified "~~Officer Health and Wellness~~" Specialized Physical Fitness Instructor ~~instructor~~ is the only person qualified to administer and grade the fitness re-test. At the time of the re-test, the school director or the Qualified Assistant shall be present.
- (3) Following limited enrollment in the subsequent course offering, scheduled class attendance, and having received passing grades on all required topic and motor-skill tests, and having no deficiencies, the trainee shall be eligible for administration of the State comprehensive examination by the Commission, as set forth in Rule .0406 of this Section.

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

Eff. January 1, 1981;

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

January 1, 1983;

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

Amended Eff. January 1, 2026; January 1, 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, pursuant to 12 NCAC 09E .0103(5) and (6), 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.~~ 5 yard 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.

~~(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, pursuant to 12 NCAC 09E .0103(5) and (6), 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.

~~(h)~~~~(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, pursuant to 12 NCAC 09E .0103(7), 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~~ For the purposes of this Rule, low light for an outdoor range is defined as beginning 30 minutes after sunset, based on the time provided by the U.S. Naval Observatory chart (located here: https://aa.usno.navy.mil/data/RS_OneYear) 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)~~~~(f)~~~~(k)~~ Pursuant to NCGS 14-269 and HR ~~[218;]~~ 218 (located here: <https://www.congress.gov/bill/108th-congress/house-bill/218>), all ~~AA~~ 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)~~~~(k)~~~~(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.

~~(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) 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

Request for Changes Pursuant to
N.C. Gen. Stat. § 150B-21.10

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

Questions contained herein suggest that the rule as written is unclear or there is some ambiguity. If this document includes questions and you do not understand the question, please contact the reviewing attorney to discuss. Failure to respond may result in a staff opinion recommending objection.

Staff may suggest the agency "consider" an idea or language in this document. This is in no way a formal request that the agency adopt the idea or language but rather is offered merely for the agency's consideration which the agency may find preferable and clarifying.

To properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov and copy RRC Counsel. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: "association"
 - Right: "~~association~~ Association"
6. Treat punctuation as part of a word. For example:
 - Wrong: "day;, and"
 - Right: "~~day,~~ day, and"
7. Formatting instructions and examples may be found at:
www.ncoah.com/rules/examples.html

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

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: 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.

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

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

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

Burgos, Alexander N

Subject: FW: [External] Re: RRC Meeting December 2025-Request for Technical Changes

From: Schilling, Michelle <mschilling@ncdoj.gov>
Sent: Monday, December 8, 2025 10:46 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] Re: RRC Meeting December 2025-Request for Technical Changes

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Good morning, Travis,

We are meeting this afternoon to iron out our responses. I will let our attorney know of the need to have the responses submitted no later than Wednesday. Hope your surgery goes well.

Michelle



MICHELLE SCHILLING

Deputy Director

Criminal Justice Standards Division

Office: (919) 779-8205

MSchilling@ncdoj.gov

1700 Tryon Park Drive

Raleigh, NC 27602-0149

ncdoj.gov

Please note messages to or from this address may be public records.

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Monday, December 8, 2025 10:41 AM
To: Schilling, Michelle <mschilling@ncdoj.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RRC Meeting December 2025-Request for Technical Changes

EXTERNAL SENDER: This email originated from outside the organization. Do not click on links or open attachments unless you can validate the sender and the contents are safe.

Good morning, Michelle,

Just an FYI, I'm having knee surgery this Thursday(12/11) and I'll be out of the office for a few days afterwards. It would be helpful if you're able to reply to the request for changes before Thursday. I hope to be back at work on 12/15, but I do have PT and a post-op appointment prior the meeting on 12/18.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Wiggs, Travis C
Sent: Tuesday, November 25, 2025 3:23 PM
To: Schilling, Michelle
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RRC Meeting December 2025-Request for Technical Changes

Good afternoon,

I'm the attorney who reviewed the rules submitted by the Criminal Justice Standards Division for the December 2025 RRC meeting. The RRC will formally review these rules at its meeting on Thursday, December 18, 2025, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get invites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit the revised rules to me via email, no later than 5 p.m. on December 11, 2025. Let me know if you have any questions.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

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