

12 NCAC 09B .0203 is amended as published in 39:23 NCR 1524-1526 as follows:

12 NCAC 09B .0203 ADMISSION OF TRAINEES

(a) The **Commission-accredited** school shall not admit any individual as a trainee in a presentation of the Commission-accredited Basic Law Enforcement Training Course (**BLET**) who is not a citizen of the United States.

(b) The **Commission-accredited** school shall not admit any individual younger than 20 years of age as a trainee in any basic criminal justice training course. Individuals under 20 years of age may be granted authorization for early enrollment as trainees in a presentation of the ~~Commission-accredited Basic Law Enforcement Training Course~~ **BLET** with prior written approval from the Director of the ~~Standards~~ Division. The Director shall approve early enrollment if the individual will be 20 years of ~~age~~ **age, and is otherwise qualified,** prior to the date of the State Comprehensive Examination for the ~~course,~~ **BLET.**

(c) The **Commission-accredited** school shall give priority admission in certified criminal justice training courses to individuals holding full-time employment with criminal justice agencies.

(d) The **Commission-accredited** school shall not admit any individual as a trainee in a presentation of the Commission-accredited Criminal Justice Instructor Training Course who does not meet the education and experience requirements for instructor certification under Rule .0302 of this Subchapter.

(e) The **Commission-accredited** school shall not admit an individual, including limited enrollment trainees, pursuant to Rule .0405 of the Subchapter, as a trainee in a presentation of the ~~Commission-accredited Basic Law Enforcement Training Course~~ **BLET** unless the individual, within one year prior to admission to the ~~Commission-accredited Basic Law Enforcement Training Course,~~ **BLET,** scores at or above mastery level on the NROC Edready™ Skills Inventory for English or places into course DRE 098 or above at a North Carolina Community College as a result of taking the Reading and English component of the North Carolina Diagnostic Assessment and Placement test as approved by the State Board of Community Colleges on October 17, 2014, (<http://www.nccommunitycolleges.edu/state-board-community-colleges/meetings/october-17-2014>), or has taken the reading component of a nationally standardized test and has scored at or above the tenth grade level or the equivalent. For the purposes of this Rule:

(1) Limited enrollment trainees do not include enrollees who hold or have held within 12 months prior to the date of enrollment, general certification pursuant to 12 NCAC 09C .0304.

(2) A "nationally standardized test" means a test that:

(A) reports scores as national percentiles, stanines, or grade equivalents; and

(B) compares student test results to a national norm.

(f) The **Commission-accredited** school shall not admit any individual as a trainee in a presentation of the ~~Commission-accredited Basic Law Enforcement Training Course~~ **BLET** unless the individual has provided to the School Director a medical examination report, completed by a physician, a physician's assistant, or a nurse practitioner, who holds a current license in the United States to practice medicine, as issued by a state medical board, to determine the individual's fitness to perform the essential job functions of a criminal justice officer. The Director of the ~~Standards~~ Division shall grant an exception to this requirement for a period of time not to exceed the commencement of the

1 physical fitness topical area when failure to receive the medical examination report is not due to neglect on the part of
2 the trainee.

3 (g) The Commission-accredited school shall not admit any individual as a trainee in a presentation of ~~the Commission-~~
4 ~~accredited Basic Law Enforcement Training Course BLET~~ unless the individual is a high school, college, or university
5 graduate or has received a high school equivalency credential recognized by the issuing state. High school diplomas
6 earned through correspondence enrollment in an entity that charges a fee and requires the individual to complete little
7 or no education or coursework to obtain a high diploma shall not be recognized toward the educational requirements.
8 High school diplomas conferred through correspondence enrollment from any entity that imposes a fee and requires
9 little or no academic instruction or coursework for issuance of the diploma shall not be recognized for purposes of
10 satisfying the educational requirements.

11 (h) The Commission-accredited school shall not admit any individual trainee in a presentation of ~~the Commission-~~
12 ~~accredited Basic Law Enforcement Training Course BLET~~ unless the individual has provided the School Director one
13 of the following types of record checks: checks in the manner set forth in Paragraph (l) of this Rule:

- 14 (1) a written notification, known as a "Criminal Record Conviction History for B.L.E.T. Enrollment,"
15 Form F-25, located at <https://www.ncdoj.gov/About-DOJ/Law-Enforcement-Training-and->
16 [Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and-Publications.aspx](https://www.ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-), from
17 a department head stating that a criminal record check for local and state records has been conducted
18 and no criminal convictions as listed in Paragraph (m) of this Rule were found that prohibit the
19 individual trainee's enrollment in a presentation of ~~the Commission-accredited Basic Law~~
20 ~~Enforcement Training Course, BLET~~. The hiring agency or the individual trainee shall also provide
21 certified court documentation for each criminal conviction;
- 22 (2) a certified criminal record check for local and state records, and certified court documentation for
23 each criminal conviction. For the purpose of this Rule "Certified court documentation" and "record
24 check" mean a document with either a raised seal or other visible verification that the document is
25 authentic as a copy of the court's official record as authorized by law;
- 26 (3) if the individual trainee has only resided in North Carolina since obtaining the age of majority,
27 provide a fingerprint-based criminal history background check known as a "Right to Review"
28 performed by the North Carolina State Bureau of Investigation. For the purpose of this Rule Rule,
29 "Resided in" means any place the trainee has lived, worked, attended school, or participated in an
30 internship. The individual shall also provide certified court documentation for each criminal
31 conviction;
- 32 (4) a fingerprint-based criminal history background check known as a "Right to Review" performed by
33 a federal agency including all locations where the trainee has lived since obtaining the age of
34 majority. The individual shall also provide certified court documentation for each criminal
35 conviction, including domestic and foreign locations where the individual has resided; or

36 (i) Trainees who have served in the United States Armed Forces, in addition to one of the types of criminal records
37 checks listed in Subparagraphs (h)(1) through (4) of this Rule shall provide a copy of their Certificate of Discharge,

DD Form 214, that shows their "Character of Service" and "Narrative Reason for Separation." Individuals showing a "Character of Service" as "Bad Conduct" or "Dishonorable" shall provide certified copies of their court-martial proceedings to include the final disposition. Trainees shall also provide documentation to show that they have requested their official military personnel file, which shall be provided upon receipt.

(j) A trainee who has been naturalized as a United States Citizen is exempt from providing the criminal record checks for locations where they resided outside of the United States prior to naturalization.

(k) A trainee who has resided outside the United States, other than those described in Paragraph (j) of this Rule, who cannot obtain a criminal record check from any location outside the United States shall document the following, to be forwarded to the Standards Division:

- (1) the name of the agencies contacted,
- (2) the date the agencies were contacted,
- (3) the contact information for the agencies contacted, and
- (4) the reason the information cannot be provided.

(l) Documents obtained in accordance with Paragraph (h) of this Rule shall meet the following requirements:

- (1) any records provided shall fall within the time period beginning when the trainee obtains the age of majority and continuing through the date of application;
- (2) any records provided shall include all locations where the trainee has resided since obtaining the age of majority; and
- (3) any records provided shall include all legal names utilized by the trainee since obtaining the age of majority.

(m) The Commission-accredited school shall not admit any individual as a trainee in a presentation of ~~the Commission-accredited Basic Law Enforcement Training Course~~ BLET who has been convicted of the following:

- (1) a felony;
- (2) a crime for which the punishment could have been imprisonment for more than two years;
- (3) a crime or unlawful act defined as a Class B Misdemeanor within the five year period prior to the date of scheduled graduation; date of application for employment, unless the individual intends to seek certification through the North Carolina Sheriffs' Education and Training Standards Commission;
- (4) a crime or unlawful act defined as a ["Class B Misdemeanor"] Class B Misdemeanor occurring after the date of certification;
- ~~(4)(5)~~ four or more crimes or unlawful acts defined as Class B Misdemeanors, regardless of the date of conviction;
- ~~(5)(6)~~ four or more crimes or unlawful acts defined as Class A Misdemeanors, except the trainee is not barred from enrollment if the last conviction date occurred more than two years prior to the date of enrollment; scheduled graduation; or

1 ~~(6)(7)~~ a combination of four or more Class A Misdemeanors or Class B Misdemeanors regardless of the
2 date of conviction, unless the individual intends to seek certification through the North Carolina
3 Criminal Justice Education and Training Standards Commission. date;

4 (8) an offense that pursuant to 18 USC 922(g)(8) would prohibit the possession of a firearm.

5 (n) Individuals charged with crimes specified in Paragraph (m) of this Rule are not barred from enrollment into ~~the~~
6 ~~Commission accredited Basic Law Enforcement Training Course~~ BLET if such offenses were dismissed or the person
7 was found not guilty, but completion of ~~the Commission accredited Basic Law Enforcement Training Course~~ BLET
8 does not ensure that certification as a law enforcement officer or justice officer through the North Carolina Criminal
9 Justice Education and Training Standards Commission will be issued. Every individual who is admitted as a trainee
10 in a presentation of ~~the Basic Law Enforcement Training Course~~ BLET shall notify the School Director of all criminal
11 offenses the trainee is arrested for or charged with, pleads no contest to, pleads guilty to, or is found guilty of, and of
12 all Domestic Violence Protective Orders (G.S. 50B) that are issued by a judicial official after a hearing that provides
13 an opportunity for both parties to be present. This includes all criminal offenses except minor traffic offenses and
14 includes any offense of Driving Under the Influence (DUI) or Driving While Impaired (DWI). A "minor traffic
15 offense" is defined, for the purposes of this Paragraph, as an offense where the maximum punishment allowable by
16 law is 60 days or fewer. Other offenses under G.S. 20 (Motor Vehicles) or similar laws of other jurisdictions that shall
17 be reported to the School Director are G.S. 20-138.1 (driving while under the influence), G.S. 20-28 (driving while
18 license permanently revoked or permanently suspended), G.S. 20-30(5)(fictitious name or address in application for
19 license or learner's permit), G.S. 20-37.8 (fraudulent use of a fictitious name for a special identification card), G.S.
20 20-102.1 (false report of theft or conversion of a motor vehicle), G.S. 20-111(5)(fictitious name or address in
21 application for registration), G.S. 20-130.1 (unlawful use of red or blue lights), G.S. 20-137.2 (operation of vehicles
22 resembling law enforcement vehicles), G.S. 20-141.3 (unlawful racing on streets and highways), G.S. 20-141.5
23 (speeding to elude arrest), and G.S. 20-166 (duty to stop in event of accident). The notifications required under this
24 Paragraph shall be in writing and specify the nature of the offense, the court where the case was handled, the date of
25 the arrest or criminal charge, the date of issuance of the Domestic Violence Protective Order (50B), and the final
26 disposition and the date thereof. The notifications required under this Paragraph shall be received by the School
27 Director within 30 days of the date the case was disposed of in court. The requirements of this Paragraph are applicable
28 at all times during which the trainee is enrolled in a ~~Basic Law Enforcement Training Course.~~ BLET. The requirements
29 of this Paragraph are in addition to the notifications required under 12 NCAC 10B .0301 and 12 NCAC 09B .0101
30 (13).

31 (o) The Commission-accredited school shall not admit any individual as a trainee in the presentation of ~~the~~
32 ~~Commission accredited Basic Law Enforcement Training Course~~ BLET who has an active Domestic Violence Order
33 of Protection or Civil Non-Contact Order issued against the individual. The student must provide a signed and dated
34 written statement from the individual certifying that no such active Orders exist related to the individual. unless the
35 ~~individual has provided to the School Director:~~

36 ~~(1) — copies of all active Domestic Violence Orders of Protection and Civil Non-Contact Orders issued~~
37 to the individual; or

1 (2) ~~— a signed and dated written statement from the individual certifying that no such active Orders exist~~
2 ~~related to the individual.~~

3 (p) The Commission-accredited school shall not admit any individual as a trainee in the presentation of the ~~Basic Law~~
4 ~~Enforcement Training Course~~ BLET unless the individual has provided to the School Director a copy of their valid
5 driver's license. The trainee's driver's license must remain valid throughout the [delivery of the BLET.] entirety of
6 the BLET course.

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8 *History Note: Authority G.S. 17C-6; 17C-10; 93B-9;*
9 *Eff. January 1, 1981;*
10 *Amended Eff. January 1, 2019; April 1, 2018; January 1, 2017; February 1, 2016; November 1,*
11 *2015; March 1, 2015; January 1, 2015; June 1, 2012; February 1, 2011; June 1, 2010; December*
12 *1, 2004; July 1, 2004; August 1, 2002; August 1, 2000; January 1, 1995; March 1, 1992; July 1,*
13 *1989; January 1, 1985;*
14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
15 *2019;*
16 *Amended Eff. October 1, 2025; January 1, 2025; July 1, 2020.*
17

12 NCAC 09B .0210 is amended as published in 39:23 NCR 1526-1527 as follows:

12 NCAC 09B .0210 RADAR INSTRUCTOR TRAINING COURSE COURSES

(a) The ~~radar instructor training~~ RADAR Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice ~~radar~~ RADAR instructor. ~~This course~~ The RADAR Instructor Training course shall consist of a minimum of 60 hours of classroom instruction and motor-skill performance testing. This course shall be for a period not to exceed six consecutive weeks. If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

- (1) Whether instruction has begun in the course or whether course initiation may be postponed;
- (2) The risk of harm to students that may be caused by continuation of the course;
- (3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;
- (4) The specific need for the waiver; and
- (5) The degree of benefit to the public in allowing a break in instruction.

Notice of waivers granted pursuant to the Section shall be posted on the CJETS website <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section shall only apply to courses that ~~began~~ began, or were in effect, during the effective period of the State of Emergency.

(b) The ~~radar instructor training~~ RADAR Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area: ~~required for radar instructor certification shall include the topic areas and minimum number of hours as outlined in the Radar Instructor Training Course. To qualify for radar instructor certification, an applicant shall meet the requirements as outlined in the Radar Instructor Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.~~

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| (1) | <u>Orientation</u> | <u>2 Hours</u> |
| (2) | <u>Introduction to RADAR Training</u> | <u>2 Hours</u> |
| (3) | <u>Speed Offenses and Speed Enforcement</u> | <u>4 Hours</u> |
| (4) | <u>Basic Principles of RADAR Speed Measurement</u> | <u>6 Hours</u> |
| (5) | <u>North Carolina Administrative Code and SMI Forms</u> | <u>8 Hours</u> |
| (6) | <u>Legal and Operational Considerations</u> | <u>8 Hours</u> |
| (7) | <u>Familiarization and Operation of Specific RADAR Instruments</u> | <u>16 Hours</u> |
| (8) | <u>Courtroom Preparation</u> | <u>4 Hours</u> |
| (9) | <u>Motor-Skill Performance Testing</u> | <u>8 Hours</u> |
| (10) | <u>Course Review</u> | <u>2 Hours</u> |

(c) Each applicant for ~~radar instructor training~~ the RADAR Instructor Training course shall:

- (1) ~~present~~ Present the endorsement of a ~~Commission-recognized~~ Commission-certified school director or agency executive officer or his designee;

(2) ~~possess~~ Possess full current criminal justice ~~general~~ instructor certification as required in 12 NCAC 09B .0302; and

(3) ~~possess~~ Possess a current ~~and valid radar~~ RADAR operator certification.

(d) The RADAR Instructor Re-Certification Training course shall consist of a minimum of 18 hours of classroom instruction and motor-skill performance testing and not exceed one week. Each RADAR Instructor Re-Certification Training course shall include the following identified topic areas and minimum instructional hours for each area:

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|-----|--|------------------|
| (1) | <u>Orientation</u> | <u>1 Hour</u> |
| (2) | <u>Speed Offenses and Speed Enforcement</u> | <u>1 Hour</u> |
| (3) | <u>Basic Principles of RADAR Speed Measurement</u> | <u>1.5 Hours</u> |
| (4) | <u>North Carolina Administrative Code and SMI Forms</u> | <u>2 Hours</u> |
| (5) | <u>Legal and Operational Considerations</u> | <u>1.5 Hours</u> |
| (6) | <u>Familiarization and Operation of Specific RADAR Instruments</u> | <u>3 Hours</u> |
| (7) | <u>Motor-Skill Performance Testing</u> | <u>8 Hours</u> |

(e) Each applicant for ~~radar instructor training~~ the RADAR Instructor Re-Certification Training course shall:

- (1) Possess full current criminal justice ~~general~~ instructor certification as required in 12 NCAC 09B .0302;
- (2) Have been certified as a RADAR instructor within the three years preceding the completion date of the re-certification course; and
- (3) Present the endorsement of a Commission-certified school director, agency executive officer, or his designee.

~~(d) The "Radar Instructor Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the radar instructor training course for radar instructors as administered by the Commission. 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
Post Office Drawer 149
Raleigh, North Carolina 27602~~

~~and may be obtained at cost from the Academy at the following address:~~

~~North Carolina Justice Academy
Post Office Box 99
Salem, North Carolina 28385~~

(f) (e) Commission-certified school that is certified to offer the "Radar Instructor Training Course" is The North Carolina Justice Academy. The North Carolina Justice Academy is the only Commission-accredited school authorized to administer the RADAR Instructor and RADAR Instructor Re-Certification Training Courses.

*History Note: Authority G.S. 17C-6;
Eff. November 1, 1981;*

1 *Readopted w/change Eff. July 1, 1982;*
2 *Amended Eff. January 1, 2006; April 1, 1999; November 1, 1998; August 1, 1995; July 1, 1989;*
3 *February 1, 1987; August 1, 1984;*
4 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
5 *2019;*
6 *Amended Eff. October 1, 2025; ~~April 1, 2022~~.*
7

12 NCAC 09B .0211 is being repealed as follows:

~~12 NCAC 09B .0211 — TIME DISTANCE INSTRUCTOR TRAINING COURSE~~

~~(a) The time distance instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a time distance instructor. This course shall be for a period not to exceed eight consecutive weeks. If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:~~

- ~~(1) Whether instruction has begun in the course or whether course initiation may be postponed;~~
- ~~(2) The risk of harm to students that may be caused by continuation of the course;~~
- ~~(3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;~~
- ~~(4) The specific need for the waiver; and~~
- ~~(5) The degree of benefit to the public in allowing a break in instruction.~~

~~Notice of waivers granted pursuant to the Section shall be posted on the CJETS website <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section shall only apply to courses that began during the effective period of the State of Emergency.~~

~~(b) Each applicant for the time distance speed measurement instrument instructor training course shall meet the requirements of 12 NCAC 09B .0210(c)(1) and (2) and 12 NCAC 09B .0309. The time distance instructor training course required for time distance instructor certification shall include the topic areas and minimum number of hours as outlined in the Time Distance Instructor Training Course. To qualify for time distance instructor certification, an applicant shall meet the requirements as outlined in the Time Distance Instructor Training Course and meet the requirement of 12 NCAC 09B .0408 and .0409.~~

~~(c) The "Time Distance Instructor Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the criminal justice time distance speed measurement instrument instructor training course for time distance speed measurement instructors as administered by the Commission. 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
Post Office Drawer 149
Raleigh, North Carolina 27602~~

~~and may be obtained at cost from the Academy at the following address:~~

~~North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385~~

1 ~~(d) Commission-certified school that is certified to offer the "Time Distance Instructor Training Course" is The North~~
2 ~~Carolina Justice Academy.~~

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4 *History Note: Authority G.S. 17C-6;*
5 *Eff. November 1, 1981;*
6 *Readopted w/change Eff. July 1, 1982;*
7 *Amended Eff. November 1, 2007; April 1, 1999; November 1, 1998; November 1, 1993; July 1,*
8 *1989; February 1, 1987; August 1, 1984;*
9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
10 *2019;*
11 *Amended Eff. April 1, 2022.*
12 *Repeal Eff. October 1, 2025*
13

12 NCAC 09B .0218 is being repealed as follows:

~~12 NCAC 09B .0218 — RE CERTIFICATION TRAINING FOR RADAR INSTRUCTORS~~

~~(a) The radar instructor re certification training course shall be designed to provide the instructor with the skills and knowledge to continue to proficiently perform the function of a criminal justice radar instructor. This course shall be presented within a period not to exceed one week.~~

~~(b) Each applicant for a radar instructor re certification course shall:~~

~~(1) — possess criminal justice general instructor certification as required in 12 NCAC 09B .0302;~~

~~(2) — have been certified as a radar instructor within the three years preceding the completion date of the re certification course.~~

~~(c) The radar instructor re certification training course required for radar instructor re certification shall include the topic areas and minimum number of hours as outlined in the Radar Instructor Training Course. To qualify for radar instructor re certification, an applicant shall meet the requirements as outlined in the Radar Instructor Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.~~

~~(d) The "Radar Instructor Training Course" as published by the North Carolina Justice Academy is to be applied as basic curriculum for the radar instructor re certification training course for radar instructors as administered by the Commission. Copies of this publication may be inspected at the office of the agency:~~

~~Criminal Justice Standards Division
North Carolina Department of Justice
114 West Edenton Street
Post Office Drawer 149
Raleigh, North Carolina 27602~~

~~and may be obtained at cost from the Academy at the following address:~~

~~North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385~~

~~(e) Commission accredited schools that are accredited to offer the "Radar Instructor Re Certification Training Course" are: The North Carolina Justice Academy.~~

*History Note: Authority G.S. 17C-6;
Eff. July 1, 1983;
Amended Eff. November 1, 2007; April 1, 1999; July 1, 1989; February 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.
Repeal Eff. October 1, 2025*

12 NCAC 09B .0219 is being repealed as follows:

~~12 NCAC 09B .0219 — RE CERTIFICATION TRAINING FOR TIME DISTANCE INSTRUCTORS~~

~~(a) The time distance instructor re certification training course shall be designed to provide the instructor with the skills and knowledge to continue to proficiently perform the function of a criminal justice time distance instructor. This course shall be presented within a period not to exceed one week.~~

~~(b) Each applicant for the time distance instructor re certification course shall:~~

~~(1) Meet the requirements of 12 NCAC 09B .0218(b) and shall have successfully completed the re certification courses of 12 NCAC 09B .0218(c).~~

~~(2) Have been certified as a time distance instructor within the three years preceding the completion date of the re certification course.~~

~~(c) The time distance instructor re certification training course required for time distance instructor re certification shall include the topic areas and minimum number of hours as outlined in the Time Distance Instructor Training Course. To qualify for time distance instructor re certification, an applicant shall meet the requirements as outlined in the Time Distance Instructor Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.~~

~~(d) The "Time Distance Instructor Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the time distance instructor re certification training course for time distance instructors as administered by the Commission. Copies of this publication may be inspected at the office of the agency:~~

~~Criminal Justice Standards Division
North Carolina Department of Justice
114 West Edenton Street
Post Office Drawer 149
Raleigh, North Carolina 27602~~

~~and may be obtained at cost from the Academy at the following address:~~

~~North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385~~

~~(e) Commission certified schools that are certified to offer the "Time Distance Instructor Re Certification Training Course" are: The North Carolina Justice Academy.~~

*History Note: Authority G.S. 17C-6;
Eff. July 1, 1983;
Amended Eff. November 1, 2007; April 1, 1999; July 1, 1989; February 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.
Repeal Eff. October 1, 2025*

1 12 NCAC 09B .0224 is being repealed as follows:

2
3 ~~12 NCAC 09B .0224 — BASIC TRAINING — COUNTY CONFINEMENT FACILITY~~

4 ~~(a) The basic training course for detention officers as prescribed in 12 NCAC 10B by the North Carolina Sheriffs'~~
5 ~~Education and Training Standards Commission is hereby incorporated by reference, and shall automatically include~~
6 ~~any subsequent amendments and editions of the incorporated material as provided by G.S. 150B-21.6, to be the~~
7 ~~minimum basic training course required for county confinement facility personnel. The "Detention Officer~~
8 ~~Certification Training Manual" as published by the North Carolina Justice Academy shall apply as the basic~~
9 ~~curriculum for county confinement facility personnel. Copies of this manual may be obtained by contacting the North~~
10 ~~Carolina Justice Academy, Post Office Box 99, Salemburg, North Carolina 28385-0099. The cost of this manual is~~
11 ~~forty dollars (\$40.00) per copy.~~

12 ~~(b) Notice of successful course completion issued by the Sheriffs' Standards Division shall be sufficient to satisfy this~~
13 ~~requirement.~~

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15 *History Note: Authority G.S. 17C-2; 17C-6; 17C-10;*
16 *Eff. June 1, 1986;*
17 *Amended Eff. August 1, 1998; January 1, 1992; July 1, 1989;*
18 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
19 *2019.*
20 *Repealed Eff: October 1, 2025*
21

2 NCAC 09B .0237 is amended as published in 39:23 NCR 1527-1528 as follows:

**12 NCAC 09B .0237 LIDAR INSTRUCTOR CERTIFICATION TRAINING AND RE-
CERTIFICATION COURSES ~~COURSE~~**

(a) The ~~Lidar~~ LIDAR Instructor Training Course shall be designed to provide the trainee with the skills and knowledge to perform the function of a ~~lidar~~ LIDAR instructor. The LIDAR Instructor Training Course shall consist of a minimum of 18 hours of classroom instruction and motor-skill performance testing. This course shall be for a period not to exceed six consecutive weeks. If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

- (1) Whether instruction has begun in the course or whether course initiation may be postponed;
- (2) The risk of harm to students that may be caused by continuation of the course;
- (3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;
- (4) The specific need for the waiver; and
- (5) The degree of benefit to the public in allowing a break in instruction.

Notice of waivers granted pursuant to the Section shall be posted on the CJETS ~~website~~ website, located at <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section shall only apply to courses that ~~began~~ began, or were in effect, during the effective period of the State of Emergency.

~~(b) The Lidar Instructor Training Course required for lidar instructor certification shall include the topic areas and number of hours as outlined in the Lidar Instructor Training Course. To qualify for lidar instructor certification, an applicant shall meet the requirements as outlined in The Lidar Instructor Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.~~

~~(c)~~ (b) Each applicant for the LIDAR ~~lidar instructor~~ Instructor Training course training shall:

- (1) present the endorsement of a ~~Commission recognized~~ Commission-certified school director or agency executive officer or his designee;
- (2) possess ~~full~~ current criminal justice ~~General Instructor Certification~~ instructor certification as required in 12 NCAC 09B .0302; and
- (3) possess a current ~~and valid lidar~~ LIDAR operator certification.

~~(d) The "Lidar Instructor Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the lidar instructor training course for lidar instructors as administered by the Commission. 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
Post Office Drawer 149
Raleigh, North Carolina 27602~~

and may be obtained at cost from the Academy at the following address:

North Carolina Justice Academy

Post Office Box 99

Salemburg, North Carolina 28385

(c) The LIDAR Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area:

- | | | |
|-----|--|----------------|
| (1) | <u>Orientation</u> | <u>2 Hours</u> |
| (2) | <u>Introduction to LIDAR Training</u> | <u>½ Hour</u> |
| (3) | <u>Basic Principles of LIDAR Speed Measurement</u> | <u>1 Hour</u> |
| (4) | <u>Legal and Operational Considerations</u> | <u>1 Hour</u> |
| (5) | <u>North Carolina Administrative Code and SMI Forms</u> | <u>1 Hour</u> |
| (6) | <u>Familiarization and Operation of Specific LIDAR Instruments</u> | <u>7 Hours</u> |
| (7) | <u>Courtroom Preparation</u> | <u>½ Hour</u> |
| (8) | <u>Motor-Skill Performance Testing</u> | <u>4 Hours</u> |
| (9) | <u>Course Review</u> | <u>1 Hour</u> |

(d) The LIDAR Instructor Re-Certification Training course shall consist of a minimum of 4 hours of classroom instruction and motor-skill performance testing and not exceed one week. Each LIDAR Instructor Re-Certification Training course shall include the following identified topic areas and minimum instructional hours for each area:

- | | | |
|-----|--|-----------------|
| (1) | <u>Course Orientation</u> | <u>½ Hour</u> |
| (2) | <u>Legal and Operational Considerations</u> | <u>1 Hour</u> |
| (3) | <u>Familiarization and Operation of Specific LIDAR Instruments</u> | <u>1 Hour</u> |
| (4) | <u>Motor-Skill Performance Testing</u> | <u>1½ Hours</u> |

(e) Each applicant for the LIDAR Instructor Re-Certification Training course shall:

- (1) Possess full current criminal justice instructor certification as required in 12 NCAC 09B .0302;
- (2) Have been certified as a LIDAR instructor within the three years preceding the completion date of the re-certification course; and
- (3) Present the endorsement of a Commission-certified school director, agency executive officer, or his designee.

(f) If the trainee fails to [demonstrate] achieve a score of 100% competence in each motor-skill performance test, he or she shall be authorized one opportunity for a re-test. Failure to score 100% on the re-test will require enrollment in a subsequent LIDAR Instructor course.

(g) Those individuals who have previously held LIDAR Instructor Certification and have not exceeded a six year time period from when his or her LIDAR Instructor Certification expired are eligible to reapply for reissuance of the previously held LIDAR Instructor Certification. An application for re-issuance shall contain documentation that the applicant:

- (1) Holds current criminal justice instructor certification, pursuant to 12 NCAC 09B .0302;
- (2) Has completed the pre-qualification skills assessments;

1 (3) Must complete the Commission-approved LIDAR Instructor Re-Certification Training course,
2 pursuant to 12 NCAC 09B .0210;

3 (4) Has passed the LIDAR Instructor comprehensive state examination with a minimum score of 75;
4 and

5 (5) Has obtained the recommendation of a Commission-certified school director, agency executive or
6 his designee.

7 (h) Applicants for re-issuance of the LIDAR Instructor Certification shall have one opportunity to pass the
8 prequalification skills assessment and the LIDAR Instructor comprehensive state examination. Should an applicant
9 not achieve a passing score on either the prequalification skills assessment or the comprehensive state examination,
10 the applicant shall complete the LIDAR Operator and LIDAR Instructor Course in its entirety.

11 (i) Applicants whose LIDAR Instructor Certification is suspended or revoked shall not qualify for re-issuance.

12 (j) The term of a LIDAR Instructor is three years from the date of issuance. All LIDAR Instructors seeking re-
13 certification shall complete the re-certification course, as outlined in 12 NCAC 09B .0218, within 12 months of the
14 expiration of the initial certification period. The 12-month period does not extend the instructor certification period.

15 ~~(k) Commission-certified school that is certified to offer the LIDAR Instructor Training Course is The North Carolina~~
16 ~~Justice Academy. The North Carolina Justice Academy is the only Commission-accredited school authorized to~~
17 ~~administer the LIDAR Instructor and LIDAR Instructor Re-Certification Courses.~~

18
19 *History Note: Authority G.S. 17C-6;*
20 *Eff. May 1, 2004;*
21 *Amended Eff. November 1, 2007;*
22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
23 *2019;*
24 *Amended Eff. October 1, 2025; April 1, 2022.*
25

12 NCAC 09B .0239 is being repealed as follows:

~~12 NCAC 09B .0239 — RE-CERTIFICATION TRAINING FOR LIDAR INSTRUCTORS~~

~~(a) The Lidar Instructor Re-Certification Training Course shall be designed to provide the instructor with the skills and knowledge to continue to proficiently perform the function of a lidar instructor. This course shall be presented within a period not to exceed one week.~~

~~(b) Each applicant for a Lidar Instructor Re-Certification Training Course shall:~~

~~(1) — possess criminal justice General Instructor Certification as required in 12 NCAC 09B .0302; and~~

~~(2) — have been certified as a lidar instructor within the three years preceding the completion date of the re-certification training course.~~

~~(c) The Lidar Instructor Re-Certification Training Course required for lidar instructor re-certification shall include the topic areas and number of hours as outlined in the Lidar Instructor Training Course. To qualify for lidar instructor re-certification, an applicant shall meet the requirements as outlined in the Lidar Instructor Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.~~

~~(d) The "Lidar Instructor Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the Lidar Instructor Re-Certification Training Course for lidar instructors as administered by the Commission. Copies of this publication may be inspected at the office of the agency:~~

~~Criminal Justice Standards Division
North Carolina Department of Justice
114 West Edenton Street
Post Office Drawer 149
Raleigh, North Carolina 27602~~

~~and may be obtained at cost from the Academy at the following address:~~

~~North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385~~

~~(e) Commission-certified schools that are certified to offer the Lidar Instructor Re-Certification Training Course are:
The North Carolina Justice Academy.~~

*History Note: Authority G.S. 17C-6;
Eff. May 1, 2004;
Amended Eff. November 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.
Repeal Eff: October 1, 2025*

1 12 NCAC 09B .0303 is amended as published in 39:23 NCR 1528-1529 as follows:

3 12 NCAC 09B .0303 TERMS AND CONDITIONS OF GENERAL INSTRUCTOR CERTIFICATION

4 (a) An applicant meeting the requirements for certification as a general instructor ~~shall~~, shall be in a probationary

5 ~~status~~, status for a period not to exceed 12 months, until satisfying the requirements of Paragraph (b) of this Rule.

6 (b) The probationary instructor shall be eligible for General Instructor status general instructor certification if the

7 ~~instructor~~, instructor submits to the Commission the following forms: ~~forms which are found on the agency website~~

8 ~~<https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>~~:

9 (1) a Form ~~F-12A, F-12~~, pursuant to 12 NCAC 09B .0301, signed by a certified School Director of In-

10 Service Training Coordinator, indicating a favorable recommendation; and

11 (2) a Form F-16, Commission Instructor Evaluation Form, pursuant to 12 NCAC 09B .0202 indicating

12 the Instructor taught a minimum of eight hours of Commission-accredited basic training,

13 Commission-recognized in-service training course, or training course pursuant to 12 NCAC 10B

14 .0601, 12 NCAC 10B. 1302, or 12 NCAC 10B .2005, during the probationary period. The Instructor

15 shall achieve a minimum of 64 points on all instruction evaluations submitted to the Commission.

16 (c) Probationary Instructors may request an extension of up to one year to teach the ~~8-hour~~ eight hour minimum

17 requirement. The Director may grant the requested extension ~~upon showing of~~ for just cause based upon the

18 circumstances that created the need for an extension. For purposes of this Rule, "just cause" includes an accident,

19 illness, emergency, or course cancellation that precluded the instructor from fulfilling the teaching requirement.

20 (d) The term of certification as a general instructor General Instructor is indefinite, provided the instructor completes

21 during each calendar year a minimum of one hour of instructor refresher training provided by North Carolina Justice

22 Academy. Probationary instructors and general instructors earning their initial certification are not required to

23 complete this training in the year they are awarded their certification. ~~The Standards Division shall post on its website~~

24 ~~on January 1 of the current year the list of instructors who have met this requirement during the previous calendar~~

25 ~~year.~~

26 ~~(e) If the instructor fails to meet the instructor refresher training specified in Paragraph (d) of this Rule, he or she shall~~

27 ~~deliver eight hours of evaluated instruction in a Commission accredited basic training, Commission recognized in-~~

28 ~~service training course, or training course pursuant to 12 NCAC 10B .0601, .1302, or .2005, and complete the~~

29 ~~instructor refresher training specified in Paragraph (d) of this Rule within 60 days from the last day of the previous~~

30 ~~calendar year.~~

31 ~~(f)~~ (e) If an instructor fails to meet the requirements of Paragraph (d) ~~or (e)~~ of this Rule, the certification period for

32 the instructor shall cease, and the instructor shall be required to complete the requirements of Rule 09B .0302 of this

33 Section in order to obtain probationary instructor status.

34 ~~(g)~~ (f) The use of guest participants in a delivery of the Basic Law Enforcement Training Course is permissible.

35 However, such guest participants shall be supervised on-site by a Commission-certified instructor and must be

36 authorized by the School Director. A guest participant shall only be used to complement the primary certified

37 instructor of the block of instruction and shall not replace the primary instructor.

1 ~~(h)~~ (g) "Commission-recognized in-service training" shall mean training meeting the following requirements:

- 2 (1) training is taught by an instructor certified by the Commission;
- 3 (2) training utilizes a lesson plan in the Instructional Systems Design format; and
- 4 (3) completion of training shall be demonstrated by a passing score on a written test as follows:
 - 5 (A) a written test comprised of at least five questions per credit shall be developed by the
 - 6 agency or the North Carolina Justice Academy for each in-service training topic requiring
 - 7 testing. Written courses that are more than four credits in length are required to have a
 - 8 written test comprising of a minimum of 20 questions. The Firearms Training and
 - 9 Qualifications ~~in-service course~~ **In-Service Course** is exempt from this written test
 - 10 requirement;
 - 11 (B) a student shall pass each test by achieving at least 70 percent correct answers; and
 - 12 (C) a student who completes a topic of in-service training in a traditional classroom setting or
 - 13 online and fails the end of topic exam shall be given one attempt to re-test. If the student
 - 14 fails the exam a second time, the student shall complete the in-service training topic in a
 - 15 traditional classroom setting before taking the exam a third time.
 - 16 (D) Topics delivered pursuant to 12 NCAC 09E .0104(1) ~~and 12 NCAC 09E .0105(a)(1)~~ shall
 - 17 not require written testing.

18
19 *History Note:* *Authority G.S. 17C-6;*
20 *Eff. January 1, 1981;*
21 *Amended Eff. January 1, 2017; December 1, 2007; November 1, 2007; August 1, 2006; January 1,*
22 *2006; August 1, 2000; July 1, 1991; October 1, 1985; January 1, 1985; January 1, 1983;*
23 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
24 *2019;*
25 *Amended Eff. October 1, 2025; July 1, 2020; August 1, 2019.*
26

12 NCAC 09B .0308 is amended as published in 39:23 NCR 1529-1530 as follows:

12 NCAC 09B .0308 RADAR INSTRUCTOR CERTIFICATION AND RE-CERTIFICATION
REQUIREMENTS

To qualify for radar instructional assignments, an applicant shall demonstrate a combination of education and experience in criminal justice and proficiency in the instructional process satisfactory to the Commission. The applicant shall meet the following requirements for radar instructor certification:

(a) A person participating in a Commission-approved RADAR Operator or RADAR Instructor ~~[training course]~~ Training Course as an ~~{instructor}~~ Instructor shall meet the following requirements for RADAR Instructor ~~[certification:]~~ Certification:

(1) Initial Certification:

- (A) must be employed or appointed as a law enforcement officer by a state or local law enforcement agency or be a federal law enforcement officer;
- (B) if the applicant is a deputy sheriff, he/she must be in total compliance with the standards established by the North Carolina Sheriff's Education and Training Standards Commission;
- (C)(4) Must must hold general criminal justice Probationary or General instructor certification Instructor Certification as required in 12 NCAC 09B .0302; and
- (D) must hold current RADAR Operator [certification:] Certification pursuant to 12 NCAC 09C .0308;
- (E)(2) Must must successfully complete the Commission-approved radar instructor training RADAR Instructor Training course Course as required in 12 NCAC 09B .0210; and
- (F)(3) Obtain obtain the recommendation of a Commission-recognized Commission-certified school director or agency executive officer or his their designee; designee; and
- (G) shall not instruct in any RADAR Instructor/Operator or RADAR Instructor/Operator Re-certification [courses] Courses until their [certification:] Certification is received from the Commission.

(2) Re-Certification:

- (A) must hold current [criminal justice] Probationary or General Instructor Certification [instructor certification] as required in 12 NCAC 09B .0302;
- (B) must hold current Radar Operator [certification:] Certification, pursuant to 12 NCAC 09C .0308;
- (C) must complete the Commission-approved RADAR Instructor Re-Certification Training [course:] Course, pursuant to 12 NCAC 09B .0210;
- (D) must have been certified as a RADAR Instructor within the three years preceding the completion of the RADAR Instructor Re-Certification Course; [re certification course;]

(E) has participated in the classroom instruction and motor skill performance testing in the RADAR Operator Training ~~[course,]~~ Course, pursuant to 12 NCAC 09B .0212, during the previous certification period; and

(F) obtain the recommendation of a Commission-certified school director, agency executive officer, or ~~[his]~~ their designee.

(b) Those individuals who have previously held RADAR Instructor Certification and have not exceeded a six year time period from when his or her RADAR Instructor Certification expired are eligible to reapply for reissuance of the previously held RADAR Instructor Certification. An application for re-issuance shall contain documentation that the applicant:

(1) holds current ~~[criminal justice]~~ Probationary or General Instructor Certification, ~~[instructor certification,]~~ pursuant to 12 NCAC 09B .0302;

(2) has completed the pre-qualification skills assessments;

(3) must complete the Commission-approved RADAR Instructor Re-Certification Training Course, ~~[course,]~~ pursuant to 12 NCAC 09B .0210;

(4) has passed the RADAR Instructor comprehensive state examination with a minimum score of 75; and

(5) has obtained the recommendation of a Commission-certified school director, agency executive or ~~[his]~~ their designee.

(c) Applicants for re-issuance of the RADAR Instructor Certification shall have one opportunity to pass the prequalification skills assessment and the RADAR Instructor Comprehensive State Examination. ~~[comprehensive state examination.]~~ Should an applicant not achieve a passing score on either the prequalification skills assessment or ~~[the comprehensive state examination,]~~ RADAR Instructor Comprehensive State Examination, the applicant shall complete the RADAR Operator and RADAR Instructor Course in its entirety.

(d) Applicants whose RADAR Instructor Certification is suspended or revoked shall not qualify for re-issuance.

(e) The term of a RADAR Instructor is three years from the date of issuance. All RADAR Instructors seeking re-certification shall complete the RADAR Instructor Re-certification Course, ~~[re-certification course,]~~ as outlined in 12 NCAC 09B .0218, within 12 months of the expiration of the initial certification period. The 12-month period does not extend the RADAR Instructor Certification ~~[instructor certification]~~ period.

Note: If Time Distance speed measuring instruments are reinstated for use at any point between years 2026 and 2036, individuals who currently hold a RADAR Instructor Certification and have previously held a Time/Distance Instructor Certification will be grandfathered and eligible to reinstate their Time/Distance Instructor Certification.

*History Note: Authority G.S. 17C-6;
Eff. November 1, 1981;
Readopted Eff. July 1, 1982;
Amended Eff. January 1, 2006; April 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.
Amended Eff. October 1, 2025*

1 12 NCAC 09B .0309 is being repealed as follows:

2
3 ~~12 NCAC 09B .0309 — TIME DISTANCE INSTRUCTORS~~

4 ~~In addition to all requirements contained in 12 NCAC 9B .0308 of this Section, applicants in this category shall~~
5 ~~complete an instructor training course in time distance speed measurement as required in 12 NCAC 9B .0211. An~~
6 ~~applicant meeting the requirements for time distance speed measurement instrument instructor certification shall be~~
7 ~~issued a certification to run concurrently with the existing radar instructor certification.~~

8
9 *History Note: Authority G.S. 17C-6;*
10 *Eff. November 1, 1981;*
11 *Readopted Eff. July 1, 1982;*
12 *Amended Eff. April 1, 1999; November 1, 1993; December 1, 1987;*
13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
14 *2019.*
15 *Repeal Eff. October 1, 2025*
16

12 NCAC 09B .0310 is being repealed as follows:

~~12 NCAC 09B .0310 — TERMS AND CONDITIONS — SMI INSTRUCTORS~~

~~(a) The term of a Speed Measurement Instrument (SMI) instructor, which includes radar, time distance, and lidar instructors, is three years from the date the Commission issues the certificate, unless sooner terminated by the Commission. The certificate may be renewed for subsequent three year periods. The SMI instructor desiring renewal shall:~~

~~(1) Hold general instructor certification as required in 12 NCAC 09B .0303.~~

~~(2) Have been active in the SMI classroom instructional process during the previous certification period.~~

~~(3) Successfully complete a Commission approved SMI instructor re certification course as required in 12 NCAC 09B .0218, .0219, or .0239.~~

~~(b) All SMI instructors seeking re certification shall successfully complete the re certification course within 12 months from expiration of the initial certification period or re certification period. If re certification training is not obtained within the 12 month period, successful completion of the appropriate instructor training program as required in 12 NCAC 09B .0308 is required to obtain instructor certification. This prescribed 12 month period does not extend the instructor certification period.~~

*History Note: Authority G.S. 17C-6;
Eff. November 1, 1981;
Readopted Eff. July 1, 1982;
Amended Eff. November 1, 2007; April 1, 1999; November 1, 1993; February 1, 1991; July 1, 1989;
December 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Emergency Amendment Eff. May 5, 2020;
Emergency Amendment Expired Eff. July 31, 2020.
Repeal Eff. October 1, 2025*

1 12 NCAC 09B .0401 is being repealed as follows:

2
3 **~~12 NCAC 09B .0401 — TIME REQUIREMENT FOR COMPLETION OF TRAINING~~**

4 ~~(a) Each criminal justice officer, with the exception of law enforcement officers, holding probationary certification~~
5 ~~shall complete, with passing scores, a Commission accredited basic training course as prescribed in Rules .0225,~~
6 ~~.0235, .0236, .0411 and .0412 of this Subchapter that includes training in the skills and knowledge necessary to~~
7 ~~perform the duties of his or her office. The officer shall complete the course within one year from the date of his or~~
8 ~~her original appointment, as determined by the date of the probationary certification.~~

9 ~~(b) Each law enforcement officer shall have completed with passing scores the accredited basic training course as~~
10 ~~prescribed in Rule .0205 of this Subchapter prior to obtaining probationary certification.~~

11 ~~(c) If a trainee completes the basic training course as prescribed in Rule .0205 of this Subchapter prior to being~~
12 ~~employed as a law enforcement officer, the trainee shall be duly appointed and sworn as a law enforcement officer~~
13 ~~within one year of passing the comprehensive written exam as specified in Rule .0406 of this Subchapter for that basic~~
14 ~~training course to be recognized under these Rules.~~

15 ~~(d) An active duty member of the armed forces who begins the basic training course as prescribed in Rule .0205 of~~
16 ~~this Section within five years prior to separating from active duty status, and completes the basic training course in its~~
17 ~~entirety pursuant to Rule .0405 of this Section and achieves a passing score on the comprehensive written examination~~
18 ~~pursuant to Rule .0406 of this Section shall be eligible for probationary certification pursuant to 12 NCAC 09C .0303~~
19 ~~for a period of 12 months from the date the individual separates from active duty status in the armed forces.~~

20 ~~(e) If local confinement supervisory and administrative personnel complete basic training prior to being employed by~~
21 ~~a facility in a supervisory and administrative position that requires certification as prescribed in G.S. 153A-217 and~~
22 ~~G.S. 153A-218, the personnel shall be duly appointed to a local confinement facility supervisory and administrative~~
23 ~~position within one year of the completion of training for the basic training course specified in 12 NCAC 09B .0205.~~
24 ~~This one year period shall begin with the date the applicant achieves a passing score on the comprehensive written~~
25 ~~exam, as specified in Rule .0411 of this Section.~~

26
27 *History Note: Authority G.S. 17C-2; 17C-6; 17C-10; Eff. January 1, 1981;*

28 *Amended Eff. October 1, 2016; August 1, 2015; January 1, 2015; January 1, 1995; March 1,*
29 *1992; July 1, 1989; June 1, 1986;*

30 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
31 *2019.*

32 *Repealed Eff. October 1, 2025.*

1 12 NCAC 09B .0402 is being repealed as follows:

2
3 ~~12 NCAC 09B .0402 — WAIVER OF COMPLETION OF TRAINING~~

4 ~~(a) The Commission may waive an officer's completion of the commission accredited training course upon receiving~~
5 ~~documentary evidence from the employing department that the officer has satisfactorily completed equivalent training.~~

6 ~~All such officers, however, shall serve a one year period of probation.~~

7 ~~(b) Training received in states with laws governing or regulating criminal justice officer training shall, if subject to~~
8 ~~such review, have been approved or certified by the appropriate agency of the state in which the training was received.~~

9 ~~(c) The Commission may prescribe as a condition of certification supplementary or remedial training deemed~~
10 ~~necessary to equate previous training with current standards.~~

11 ~~(d) The Commission shall require satisfactory performance on a commission approved written examination as proof~~
12 ~~of equivalent training.~~

13
14 *History Note: Authority G.S. 17C-6; 17C-10;*

15 *Eff. January 1, 1981;*

16 *Amended Eff. March 1, 1992;*

17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
18 *2019.*

19 *Repealed Eff. October 1, 2025.*

12 NCAC 09B .0416 is being repealed as follows:

~~12 NCAC 09B .0416 — SATISFACTION OF MINIMUM TRAINING — SMI INSTRUCTOR~~

~~(a) To acquire successful completion of the "Speed Measurement Instrument (SMI) Instructor Training Courses," and the "SMI Instructor Re-Certification Courses", the trainee shall complete all required course work as specified in Rules .0210, .0211, .0218, .0219, .0237, or .0239 of this Subchapter for the specific course in attendance.~~

~~(b) If the trainee fails to demonstrate 100 percent competence in each motor skill or performance area, he or she shall be authorized one opportunity for a re-test. Such re-test shall be at the recommendation of the school director and a request shall be made to the Standards Division within 30 days of the original testing. Re-examination shall be completed within 90 days of the original testing. Failure to score 100 percent on the re-test requires enrollment in a subsequent SMI operator course and an SMI instructor course.~~

*History Note: Authority G.S. 17C-6; 17C-10;
Eff. February 1, 1987;
Amended Eff. January 1, 2015; November 1, 2007; April 1, 1999;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.
Repeal Eff: October 1, 2025*

12 NCAC 09C .0104 is amended as published in 39:19 NCR 1265-1266 as follows:

12 NCAC 09C .0104 AGENCY HEAD RESPONSIBILITIES: CRITICAL INCIDENT REPORTING

(a) For all criminal justice agencies in the State that employ personnel certified by the North Criminal Justice Education and Training Standards Commission, the Agency agency head shall submit the Critical Incident Report, (F-27), to the Criminal Justice Standards Division no later than 30 days after making the determination that an incident involving any use of force by a law enforcement officer that resulted in death or serious bodily injury to a person has occurred. The Critical Incident Report (F-27) shall contain the following:

- (1) date of incident;
- (2) location of incident;
- (3) ~~person(s) involved and their participation; and~~ name of officer who utilized force; and
- (4) whether the incident involved serious bodily injury or death.

(b) In addition to the reporting in Paragraph (a) of this Rule, the Agency agency head for any criminal justice agency in the State that employs personnel certified by the North Criminal Justice Education and Training Standards Commission, shall submit the Annual Critical Incident Report, (F-27A), to the Criminal Justice Standards Division no later than the following January 15th of each year, listing all incidents involving any use of force by a law enforcement officer that results in death or serious bodily injury to a person. The Annual Critical Incident Report (F-27A) shall contain the following:

- (1) the total number of incidents involving the use of force resulting in death or serious bodily injury;
- (2) date of ~~incident~~; incidents;
- (3) location of ~~incident~~; incidents; and
- (4) whether the ~~incident~~ incidents had previously been reported on the Critical Incident Report (F-27).
- (5) for incidents not previously reported, an accompanying F-27 must be submitted along with the F-27A.

~~(c) Within 30 days of receipt of an F-27, the Division shall give written notice to any law enforcement officer who is reported to the Division as having been involved in a critical incident. The notice will contain language notifying the officer that, if the officer disputes being involved in a critical incident, the officer has a right to request a hearing in superior court for a determination of whether the officer's involvement should be properly placed in the database. The notice will inform the officer that the Division will not place the officer's involvement in the database if it receives notice from the officer within 30 days of receipt of notice that the officer has requested a hearing in superior court. If the officer requests a hearing in superior court, the Division will not place the officer's involvement in the database until a determination is made by superior court that the officer's involvement would be properly placed in the database. If, subsequent to the placement of an officer's involvement in the database, a superior court determines that the officer's involvement is not properly placed, the Division will remove the officer's involvement from the database.~~

(c) The Critical Incident [form] Form (F-27) shall provide the following notice to officers:

- (1) information is being collected for a database as directed by [N.C.G.S.] G.S. 17C-15;
- (2) information collected will remain confidential in compliance with State and federal law;

1 (3) law enforcement officers reported to the Division have a right, prior to being placed in the database,
2 to request a hearing in superior court for a determination of whether the officer's involvement should
3 be properly placed in the database;

4 (d) The Critical Incident Form (F-27) ~~form~~ will ~~then~~ provide check boxes and a location to sign for officers to
5 indicate ~~that~~ they understand their rights and are either waiving their rights and agreeing to have the information
6 entered into the database or ~~that~~ they plan to dispute the entry of their information in the database. If the officer
7 indicates they plan to request a hearing in superior court, the Division will not place the officer's involvement in the
8 database until the superior court makes a determination or until 30 days following the date of the officer's signature
9 has elapsed and the Division has not received proof of ~~filing.~~ submission for filing to request a hearing in superior
10 court. Any forms already entered into the database will be removed if a subsequent review by the superior court
11 determines that the officer's involvement ~~is~~ was not properly ~~placed.~~ placed in the database.

12
13 History Note: Authority G.S. 17-6; 17C-15;
14 Eff. January 1, 2025.
15 Amended Eff: October 1, 2025
16
17

1 12 NCAC 09E .0103 is being amended as published in 39:23 NCR 1532 as follows:

2
3 12 NCAC 09E .0103 **DEPARTMENT STATE OR LOCAL LAW ENFORCEMENT AGENCY HEAD**
4 **RESPONSIBILITIES: ANNUAL IN-SERVICE TRAINING**

5 The ~~state~~ **State** or local law enforcement agency ~~head~~ **head, for any agency employing individuals certified as law**
6 **enforcement officers,** shall ensure that the annual in-service training is conducted according to specifications ~~as~~
7 ~~outlined in Rules 09E .0105 and~~ pursuant to 12 NCAC 09E .0106, .0111. In addition, the ~~state~~ **State** or local law
8 enforcement agency head or designated ~~representative;~~ **representative shall:**

- 9 (1) ~~[shall]~~ **ensure all annual in-service training topics are delivered either in person or through the North**
10 **Carolina Justice Training and Certification portal, or by a North Carolina community college; 4)**
- 11 (2) ~~shall~~ **review departmental policies regarding the use of force during the agency's annual in-service**
12 **training program; and**
- 13 ~~(2) (3)~~ **shall** report to the Criminal Justice Standards Division once each calendar year a roster of all law
14 enforcement officers who fail to successfully complete the annual in-service training **and firearms**
15 **qualification,** pursuant to 12 NCAC 09E .0106, .0111, and shall certify that all law enforcement
16 officers in the agency not listed did successfully complete the training. This roster shall reflect the
17 annual in-service **training and firearms qualification** status of all law enforcement officers employed
18 by the agency as of December 31 of each calendar year and shall be received by the Criminal Justice
19 Standards Division no later than the following January 15th. Officers having completed Basic Law
20 Enforcement ~~Training~~ **Training as a full-time student or lateral transfer** and passed the
21 comprehensive state final examination in this same calendar year must complete the annual in-
22 service training for the year if they were sworn in between January 1st and June 30th of that year.
23 Officers sworn in between July 1st and December 31st must complete the annual in-service training
24 by June 30th of the following year, and
- 25 ~~(3) (4)~~ **shall** maintain in each officer's file documentation that the officer has completed the annual in-
26 service training requirement; and
- 27 ~~(4) (5)~~ **shall,** where the officer fails to successfully qualify with any of the weapons specified in Rule 09E
28 .0106(a) and (b), prohibit access to such weapon(s) until such time as the officer obtains
29 qualification; and
- 30 ~~(5) (6)~~ **shall,** where the officer fails to successfully qualify with any of the weapons specified in Rule 09E
31 .0106(d), prohibit the possession of such weapon(s) while on duty or when acting in the discharge
32 of that agency's official duties, and shall deny the officer authorization to carry such weapon(s)
33 concealed when off-duty, except when the officer is on his own premises; and
- 34 ~~(6) (7)~~ **shall,** where an officer has access to any specialized or tactical weapon(s) not specifically covered
35 in Rule .0106(a) and (b) of this Section, prohibit the officer's use of the weapon(s) while engaged in
36 the officer's official capacity unless the agency head determines the officer is competent to use the

1 weapon in a lawful and prudent manner based upon the officer's experience, training, education, and
2 disciplinary record.

3
4 *History Note:* *Authority G.S. 17C-6; 17C-10;*
5 *Eff. July 1, 1989;*
6 *Amended Eff. January 1, 2005; January 1, 1995;*
7 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
8 *2019;*
9 *Amended Eff. October 1, 2025; March 1, 2024.*
10

1 12 NCAC 09E.0111 is adopted as published in 39:23 NCR 1532-1533 as follows:

2
3 **12 NCAC 09E .0111** **COMPLETION OF ANNUAL IN-SERVICE TRAINING**

4
5 (a) Law enforcement officers certified by the North Carolina Criminal Justice Education and Training Standards
6 Commission shall complete annual in-service training as outlined in 12 NCAC 09E .0108.

7 (b) Failure to complete all topics required for the annual in-service training shall result in the law enforcement
8 officer's certification being summarily suspended, pursuant to 12 NCAC 09E .0108.

9 (c) All annual in-service training topics ~~[must]~~ shall be taken ~~[in a seated delivery]~~ in-person or through the North
10 Carolina Justice Training and Certification portal, or by a North Carolina community college.

11 (d) All annual in-service training involving motor skills assessment and/or qualification shall be conducted in person
12 using certified Specialized Instructors, pursuant to 12 NCAC 09B .0304.

13
14
15 *History Note:* *Authority G.S. 17C-6; 17C-10;*
16 *Adoption Eff. October 1, 2025*

1 12 NCAC 09G .0209 is amended as published in 39:23 NCR 1536-1537, with changes, as follows:

2
3 **12 NCAC 09G .0209 MINIMUM STANDARDS FOR PROBATION/PAROLE OFFICERS**

4 (a) The requirements of this Rule shall apply to all applicants for certification and shall also apply at all items during
5 which the probation/parole officer is certified by the Commission.

6 (b) Every probation/parole officer employed by the North Carolina Department of Adult Correction shall:

- 7 (1) be a citizen of the United States
- 8 (2) be at least 20 years of age
- 9 (3) have attained one of the following: ~~a bachelor's degree as described in 12 NCAC 09G .0204;~~
10 (A) a bachelor's degree as described in 12 NCAC 09G .0204; or
11 (B) an associate's degree as described in 12 NCAC 09G .0204, [in a Human Services field]
12 and five (5) years of [directly related] experience as a sworn law enforcement officer,
13 probation/parole officer, correctional case manager, correctional program supervisor,
14 juvenile court counselor, and/or military police officer;
- 15 (4) have been fingerprinted by the employing agency in the manner provided in 12 NCAC 09G .0207;
- 16 (5) have had a medical examination as required by 12 NCAC 09G .0205;
- 17 (6) have produced a negative result on a drug screen as described in 12 NCAC 09G .0211;
- 18 (7) have been administered a psychological screening examination in accordance with G.S. 17C-10(c).
19 The psychological screening examination shall be valid for a period of one year from the date on
20 which it was administered;
- 21 (8) have a background investigation conducted by the Department of Adult Correction, including a
22 personal interview as described in 12 NCAC 09G .0210;
- 23 (9) not have committed or been convicted of a crime or crimes as specified in 12 NCAC 09G . 0302;
- 24 (10) for personnel who are authorized to carry a firearm in the execution of their duties, satisfactorily
25 Complete the Department of Adult Correction's ~~departmental firearms training program~~
26 Departmental Firearms Training Program as prescribed in 12 NCAC 09G .0412. Such firearms
27 training compliance must have occurred within one year of the date of employment and by using
28 the department approved service handgun(s); and,
- 29 (11) be of good moral character, including possessing the characteristics of honesty, maturity, discipline,
30 attention to detail, and respect for the rights of others as more fully discussed and interpreted in: In
31 re Willis 288 N.C. 1.215 S.E. 2d 771 appeal dismissed 423 U.S. 976 (1975); State v. Harris, 216
32 N.C. 746, 6 S.E. 2d 854 (1940); In re Legg, 325 N.C. 658, 386 S.E. 2d 174 (1989); in re Applicants
33 for License, 143 N.C.1, 55 S.E. 635 (1906); In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924);
34 State v. Benbow, 309 N.C. 538, 308 S.E. 2d 47 (1983); and later court decisions; and
- 35 (12) make the following notifications:
 - 36 (A) within 30 days of the qualifying event, notify the Standards Division and the appointing
37 agency head in writing of all criminal offenses for which the officer ~~is~~ has been charged or

- 1 arrested. This shall include traffic offenses identified in the Class B Misdemeanor Manual
2 and offenses of driving under the influence (DUI) or driving while impaired (DWI);
- 3 (B) within 30 days of the qualifying event, notify the Standards Division and the appointing
4 agency head in writing of all criminal offenses for which the officer pleads no contest,
5 pleads guilty, or of which the officer is found guilty. This shall include traffic offenses
6 identified in the Department of Adult Correction section of the Class B Misdemeanor
7 Manual and offense of driving under the influence (DUI) or driving while impaired (DWI);
- 8 (C) within 30 days of service, officers shall notify the Standards Division of all Domestic
9 Violence Protective Orders (G.S. 50B) and Civil No Contact Orders (G.S. 50C) that are
10 issued by a judicial official against the officer;
- 11 (D) within 30 days of the date the case was disposed of in court, the agency head, provided he
12 or she has knowledge of the officer's arrests or criminal charges and final dispositions, shall
13 also notify the Standards Division of arrests or criminal charges and final disposition;
- 14 (E) within 30 days of the issuance of all Domestic Violence Protective Orders (G.S. 50B) and
15 Civil No Contact Orders (G.S. 50C), the agency head, provided he or she has knowledge
16 of the order, shall also notify the Standard Division of these orders; and
- 17 (F) The required notifications in this Rule shall be in writing and shall specify the nature of the
18 offense or order, the court in which the case as handled, the date of the arrest, criminal
19 charge, or service of the order, and the final disposition. The notification shall include a
20 certified copy of the order or court documentation and final disposition from the Clerk of
21 Court in the county of adjudication. The requirements of this Item shall be applicable at all
22 times during which the officer is employed and certified by the Commission and shall also
23 apply to all applicants for certification. Receipt by the Standards Division of a single
24 notification, for the officer or the agency head, shall be sufficient notice for compliance
25 with this Item.

26
27 *History Note: Authority G.S. 17C-6; 17C-10;*
28 *Eff. May 1, 2023.*
29 *Amended Eff. October 1, 2025*
30

12 NCAC 09G .0305 is amended as published in 39:23 NCR 1533, with changes, as follows:

12 NCAC 09G .0305 RECERTIFICATION FOLLOWING SEPARATION

(a) Previously certified corrections officers, with a minimum of one year of service who have been separated from the North Carolina Department of Adult Correction for less than three years, may have their certification reinstated following a reverification of employment standards in 12 NCAC 09G .0202, .0203, .0208 (excluding 12 NCAC 09G .0208(4) and 12 NCAC 09G .0209 (excluding 12 NCAC 09G .0209(4)), but are exempt from the job appropriate basic training course described in 12 NCAC 09G .0411.

~~(b) Previously certified corrections officers with less than one year of service who have been separated from the North Carolina Department of Adult Correction for less than two years, may have their certification reinstated following a reverification of employment standards 12 NCAC 09G .0202, .0203, and .0208 (excluding 12 NCAC 09G .0208(5)) and .0209 (excluding 12 NCAC 09G .0209(5)), and shall complete the job appropriate basic training course described in 12 NCAC 09G .0411.~~

(b) Previously certified corrections officers who have been separated from the North Carolina Department of Adult Correction for more than three years, but less than five years, upon their return shall complete the verification of employment standards and shall complete the ~~job appropriate basic training course described in 12 NCAC 09G .0411.~~ following:

- (1) [an] the appropriate abbreviated course of instruction focused on current standards of the North Carolina Department of Adult Correction (NCDAC), delivered by the NCDAC Office of Staff Development and Training; and
- (2) the mandatory firearms classroom training and achieves a passing qualification score on the firearms range qualification with the agency duty weapon(s).

~~[(d)] (c)~~ Applicants pursuant to subsection ~~[(e)] (b)~~ will be allowed to remediate one failure under each subsection ~~[(e)(1)] (b)(1)~~ and ~~[(e)(2)] (b)(2)~~, but, upon a second failure, will be required to complete the entire commission ~~[accredited]~~ approved basic training for correctional or probation/parole officers before being eligible for certification.

*History Note: Authority G.S. 17C-2; 17C-6; 17C-10;
Temporary Adoption Eff. January 1, 2001;
Eff. August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. October 1, 2025; May 1, 2023.*

12 NCAC 09G 0410 is amended as published in 39:23 NCR 1533-1534, with changes, as follows:

12 NCAC 09G .0410 ~~WAIVER OF COMPLETION OF TRAINING~~ LATERAL TRANSFERS

~~(a) The Commission may waive an officer's completion of the Commission-accredited training course upon receiving documentary evidence from the North Carolina Department of Correction that the officer has satisfactorily completed equivalent training. All such officers, however, shall serve a one year period of probationary certification as defined in 12 NCAC 09G .0303.~~

~~(b) Training received in states with laws governing or regulating corrections officer training shall, if subject to such review, have been approved or certified by the appropriate agency of the state in which the training was received.~~

~~(c) The Commission shall prescribe as a condition of certification supplementary or remedial training deemed necessary to equate previous training with current standards.~~

~~(d) The Commission shall require satisfactory performance on a written examination as proof of equivalent training.~~

(a) A Corrections Officer holding prior certification from another state, federal, or military Department of [Correction] Correction, or [equivalent] equivalent, is eligible to transfer certification from one state, federal, or military Department of Correction or equivalent to the North Carolina Department of Adult Correction (NCDAC) and be certified by the Commission if the officer:

- (1) has a minimum of two years full-time service as a state, federal, or military correctional officer or probation/parole officer;
- (2) has less than a one-year break in service from their most recent certified role;
- (3) provides documentary evidence of the completion of training that has been approved by the appropriate state, federal, or military entity charged with regulating correctional or probation/parole officers in the jurisdiction in which the training was received;
- (4) has completed [an] the appropriate abbreviated course of instruction focused on current standards of the NCDAC, delivered by the NCDAC Office of Staff Development and Training;
- (5) has completed the mandatory firearms classroom training and achieves a passing qualification score on the firearms range qualification with the agency duty weapon(s); and
- (6) has achieved a passing score on the [Commission-accredited] Commission-approved basic training course for correctional officers or probation/parole officers, whichever is applicable.

(b) Applicants pursuant to subsection (a) will be allowed to remediate one failure under each subsection (a)(5) and (a)(6), but, upon a second failure of either, will be required to complete the entire commission accredited basic training for correctional or probation/parole officers before being eligible for certification.

(c) A North Carolina justice officer, as defined in 12 NCAC 10B .0301, is eligible to transfer certification from one state or local law enforcement agency to NCDAC and be certified as a correctional officer by the Commission if the officer:

- (1) has a minimum of two years full-time service as a justice officer as defined in 12 NCAC 10B .0301;
- (2) has less than a one-year break in service from their most recent certified role;

- 1 (3) provides documentary evidence of the completion of the Detention Officer Certification Course
2 pursuant to 12 NCAC 10B .0605, and holds a general certification or probationary certification from
3 the Sheriffs' Education and Training and Standards Commission;
4 (4) has completed an abbreviated course of instruction focused on current standards of NCDAC,
5 delivered by the NCDAC Office of Staff Development and Training;
6 (5) has completed the mandatory firearms classroom training and achieves a passing qualification score
7 on the firearms range qualification with the agency duty weapon(s); and
8 (6) has achieved a passing score on the ~~Commission accredited~~ Commission-approved basic training
9 course for correctional officers.
10 (d) Applicants pursuant to subsection (c) will be allowed to remediate one failure under each subsection (c)(4)
11 and (c)(5), but, upon a second failure of either, will be required to complete the entire commission accredited basic
12 training for correctional or probation/parole officers before being eligible for certification.
13 (e) Prior to certification, NCDAC must submit to the Division evidence of compliance with the requirements of
14 12 NCAC 09G .0208 for any applicants pursuant to this ~~section.~~ Section.

15
16 History Note: Authority G.S. 17C-6; 17C-10;
17 Temporary Adoption Eff. January 1, 2001;
18 Eff. August 1, 2002;
19 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
20 2019.
21 Amended Eff: October 1, 2025
22

12 NCAC 09H .0102 is amended as published in 39:19 NCR 1266 as follows:

12 NCAC 09H .0102 MINIMUM TRAINING SPECIFICATIONS

(a) Firearms Training and Qualification shall consist of a minimum of four hours and include the requirements of Paragraphs (c), and (d) ~~and (e)~~ of this Rule.

(b) Pursuant to 12 NCAC 09E .0106(a), each ~~Each~~ qualified retired law enforcement officer shall qualify with each handgun he or she carries. ~~carries in accordance with the guidelines in the In-Service Firearms Qualification Manual as published by the North Carolina Justice Academy relating to rounds fired, distances, the ratio of shots fired from each yard line and positions of fire.~~

~~(e) Qualification shall include a day and night qualification course with each handgun he or she carries, and a single day and night combat course with one handgun that he or she carries.~~

~~(d)~~ (c) Each qualified retired law enforcement officer shall receive a minimum of two hours of instruction on the North Carolina laws of self-defense, the use of force by private citizens, detention of persons by private persons, and assistance to law enforcement officers by private citizens.

~~(e)~~ (d) Instruction shall include a review of firearms safety and basic marksmanship fundamentals.

~~(f)~~ (e) The qualification requirements shall be achieved at least once in a single day in no more than three attempts per day for each course of fire and for each weapon for which qualification is required. Officers not qualifying in a single day for each course of fire shall be deemed as a failure and the retired qualified law enforcement officers shall not be allowed to carry that weapon until such time as the qualification requirements have been met.

~~(g)~~ (f) Qualified retired law enforcement officers shall be certified for a period of 12 months from the date the application is approved by the Commission. Upon application for renewal, the certification shall be renewed by the Commission for 12-month periods provided the qualified retired law enforcement officer meets the rules specified in this Subchapter.

*History Note: Authority G.S. 14-415.10; 14-415.25; 14.415.26; 17C-6;
Eff. May 1, 2009;*

Amended Eff. April 1, 2017;

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

Amended Eff. October 1, 2025; July 1, 2020.

12 NCAC 09H .0103 is amended as published in 39:19 NCR 1266-1267 as follows:

12 NCAC 09H .0103 INSTRUCTORS

(a) Only instructors who hold Specialized Instructor Certification in Law Enforcement Firearms issued by the Criminal Justice Education and Training Standards Commission as outlined in ~~Rules 09B .0302 and 09B .0304~~ 12 NCAC 09B .0304(a) ~~may shall~~ conduct the firearms qualification training as specified in Rule ~~09H .0102. .0102 of this Subchapter.~~

(b) Each instructor specified in Paragraph (a) of this Rule shall record and retain the firearms qualification scores for each qualified retired law enforcement officer trained by the instructor for a period of five years. ~~These~~ The scores shall not be transmitted to the Criminal Justice Standards Division unless requested but must be available for inspection by Criminal Justice Standards Division ~~representatives at reasonable times. representatives.~~ If the instructor is conducting training on behalf of a North Carolina governmental law enforcement agency, the North Carolina Justice Academy, or a North Carolina ~~Community College, community college,~~ the institution shall maintain the records in lieu of the instructor in order to comply with this Rule.

(c) Upon successful qualification, the instructor shall sign and date the Retired Law Enforcement Officers Firearms Qualification Certification Application Form (F-9R) attesting to the successful qualification. The Retired Law Enforcement Officer Firearms Qualification Application (F-9R) shall contain the following:

- (1) type of application;
- (2) applicant's name, address, phone number, email address, and date of birth;
- (3) Applicant Attestation regarding qualification for certification;
- (4) date and location of the applicant's successful completion of the firearms qualification;
- (5) instructor's name and Acadis number;
- (6) the make, model, and serial number of the weapon and the day and night score achieved for each weapon qualified with;
- and
- (7) signature of the applicant.

*History Note: Authority G.S. 17C-6; 14-415.10; 14-415.25; 14-415.26;
Eff. April 1, 2009;
Amended Eff. December 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.
Amended Eff. October 1, 2025*

12 NCAC 09H .0104 is amended as published in 39:19 NCR 1266-1267 as follows:

12 NCAC 09H .0104 SANCTIONS

(a) The Commission shall deny or revoke ~~the applicant for firearms qualification certification an~~ applicant's ~~applicant's~~ or the qualified retired law enforcement ~~officer's~~ officer's firearms qualification certification when the Commission finds the applicant or retired officer has willfully and intentionally falsified any application or documentation required for qualification certification. Any applicant or qualified retired law enforcement officer denied or revoked may request an administrative hearing with the Commission subsequent to the summary denial or revocation in accordance with G.S. Chapter 150B, Article 3A, 3A, of the N.C.G.S.

(b) The Commission ~~may~~ shall deny or suspend the applicant or retired law enforcement officer's firearms qualification certification when the Commission finds the applicant or retired officer:

(1) has failed to successfully complete the required training or qualification specified in Rule 09H .0102; or

(2) is ineligible to receive and possess firearms under federal or state law.

(c) Before taking action, the Standards Division shall investigate the alleged violation of Paragraph (b) of this Rule and present a report of its findings to the Probable Cause Committee of the Commission.

(d) The Probable Cause Committee ~~may~~ shall:

(1) direct the Standards Division to conduct a further investigation of the alleged violation; or

(2) ~~direct the Standards Division to conduct an administrative hearing in the matter, pursuant to 12 NCAC 09A .0107 and 26 NCAC 03;~~ or

(3) (2) determine the appropriate sanctions against the violator pursuant to Paragraphs (f) and (g) of this Rule.

(e) Denials or revocations in accordance with Paragraph (a) of this Rule are permanent. The retired officer is ineligible to ever receive firearms qualification certification from the Commission.

(f) Denials or suspensions in accordance with Paragraph (b) of this Rule ~~are~~ are in effect until the applicant or retired law enforcement officer:

(1) ~~until the applicant or retired officer~~ has successfully completed the required training or qualification specified in Rule ~~09H .0102; or .0102 of this Subchapter; or~~

(2) ~~until the applicant or retired officer~~ is eligible to receive or possess firearms under federal or state law.

(g) Any applicant or qualified retired law enforcement officer who receives firearms qualification certification under the rules ~~[Rules]~~ in this Section ~~Section~~, who becomes ineligible under any of the standards enumerated in this Rule ~~Rule~~, shall notify the Criminal Justice Standards Division of such disqualification within ~~40~~ 5 calendar days of the occurrence of the event.

*History Note: Authority G.S. 17C-6; 14-415.10; 14-415.25; 14-415.26;
Eff. April 1, 2009;*

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

1
2

Amended Eff. October 1, 2025

1 **12 NCAC 09H .0105 is amended as published in 39:19 NCR 1267 as follows:**

2
3 **12 NCAC 09H .0105 FILING AND FEES**

4 Each applicant for firearms qualification certification under the Qualified Retired Law Enforcement Officers Firearms
5 Qualification Certification Program shall submit the following to the Commission:

- 6 (1) a Commission application form ~~(Form F-9R)~~ (Form F-9R) pursuant to 12 NCAC 09H .0102.
7 ~~containing the applicant's notarized signature which attests that the applicant meets the definition of~~
8 ~~qualified retired law enforcement officer set forth in G.S. 14-415.10 and is eligible to receive or~~
9 ~~possess firearms under federal and state law. The Form F-9R, available on the agency's website at~~
10 ~~<http://www.ncdoj.gov/getdoc/23af3614-2aa2-4416-bbae-25cbe9441e06/1F-9R-8-09.aspx>, shall~~
11 ~~include the signature of a Commission certified Specialized Firearms Instructor attesting that the~~
12 ~~applicant has met the training and qualification standards as specified in Rule 09H .0102 and lists~~
13 ~~the handguns with which the qualified retired officer qualified;~~
14 (2) a copy of the qualified retired officer's photographic identification indicating retirement status issued
15 by the law enforcement agency from which the applicant retired; and
16 (3) a fee of fifty dollars (\$50.00) for the initial one-year qualification and a fee of twenty-five dollars
17 (\$25.00) for the annual renewal thereafter. Applications and fees shall be submitted via the Acadis
18 portal utilizing the RLEO Initial and RLEO Renewal Webforms. **The Acadis portal is located at**
19 **<https://ncja-portal.acadisonline.com/acadisviewer/login.aspx>.** ~~Applications and fees shall be~~
20 ~~submitted to:~~

21 Criminal Justice Standards Division
22 North Carolina Department of Justice
23 Post Office Drawer 149
24 Raleigh, NC 27602.

25 ~~All fees shall be paid by certified check or money order made payable to the North Carolina Department of Justice.~~

26
27 *History Note: Authority G.S. 14-415.10; 14-415.25; 14-415.26; 17C-6;*
28 *Eff. April 1, 2009;*
29 *Amended Eff. April 1, 2017;*
30 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
31 *2019.*
32 *Amended Eff. October 1, 2025*
33