

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09F .0106

DEADLINE FOR RECEIPT: Thursday April 7, 2016

NOTE WELL: *This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.*

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

In reviewing these rules, the staff determined that the following technical changes need to be made:

On the Submission for Permanent Rule Form, in Box 6, you state the hearing was on February 10, but in the Notice of Text published in the NC Register, it was noticed as February 11. Which date is correct?

Please change the Introductory Statement to "12 NCAC 09F is amended..."

In (a), line 4, where are the standards set forth? Is it Rule .0103 of the Section?

In (b), if the Commission may conduct the audits, when will this happen? Will there be notice? When will the discretion be exercised? You need to provide guidance in the Rule regarding the audit.

On line 5, you refer to a "Concealed Carry Handgun Course" but on line 16, it's "Concealed Carry Handgun Training Program." Are these the same thing? If so, please refer to them with the same term. Also, why is the term on line 16 in quotation marks?

Please change the Paragraph on line 7 from (b) to (c), and change (c) to (d) on line 19.

In current (b)(1) through (6), I recommend deleting "has"

In current (b)(4), line 13, what is "successful" completion? Is this term defined elsewhere?

In current (b)(6), how will this happen? The Commission will suspend the certification if they've already had the certification suspended? Or will it be revoked?

In current (b)(7), why are "Federal" and "State Law" capitalized?

In current Paragraph (c), lines 19 and 22, change the reference to "Paragraph (c)."

Amanda J. Reeder
Commission Counsel
Date submitted to agency: March 23, 2016

On lines 19 and 21, why not replace “subject” with “pursuant”?

On line 22, since the Commission “may” take this action, when will they not?

Also, this is the first time that revocation has come up in the Rule. Should the introductory language in current Paragraph (b) (line 7) state “The Commission shall deny, suspend, or revoke the certification...”?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: March 23, 2016

1 **12 NCAC 09F .0106 is proposed for amendment as published in Vol. 30, Issue 7, pages 727-728:**

2 **12 NCAC 09F .0106 SANCTIONS**

3 (a) The Commission shall suspend an approved course when the Commission finds that the course has failed to meet or
4 maintain the required standards for approval.

5 (b) The Commission may conduct, at its discretion, an audit of a Concealed Carry Handgun Course taught by a certified
6 Concealed Carry Handgun instructor for compliance with the specifications of this Subchapter.

7 (b) The Commission shall deny or suspend the certification of instructor status when the Commission finds that the
8 instructor:

- 9 (1) has failed to meet or maintain the required course and instruction standards approved by the
10 Commission as set forth in 12 NCAC 09F .0102;
- 11 (2) has failed to submit modification of courses or change in instructor status;
- 12 (3) has submitted any non-sufficient funds check;
- 13 (4) has falsified any successful completion of an approved course;
- 14 (5) has distributed any certificate provided by the Commission without the named permittee undertaking
15 the approved course from that instructor;
- 16 (6) has taught any "Concealed Carry Handgun Training Program" course or approved certification while
17 the instructor's certification was suspended by the Commission; or
- 18 (7) is ineligible to receive and possess a firearm under Federal or North Carolina State Law.

19 (c) Instructors who have lost certified status subject to Subparagraphs (1), (2), or (3) of Paragraph (b) of this Rule may
20 reapply for certification upon documentation of compliance after one year has elapsed from the date of suspension of the
21 instructor's certification by the Commission. Instructors who have lost certified status subject to Subparagraphs (4), (5),
22 (6), or (7) of Paragraph (b) of this Rule may have their certification suspended or permanently revoked by the
23 Commission.

24
25 *History Note: Authority G.S. 14-415.12; 14-415.13;*

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

27 *Eff. May 1, 1996;*

28 *Amended Eff. May 1, 2016; February 1, 2007; September 1, 2005; May 1, 2004.*