

1 12 NCAC 09B .0106 is amended as published in Vol. 32, Issue 12; pages 1193-1202 **with changes** as follows:

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3 **12 NCAC 09B .0106 DOCUMENTATION OF EDUCATIONAL REQUIREMENTS**

4 (a) Each applicant for employment as a criminal justice officer shall furnish to the employing agency documentary
5 evidence that the applicant has met the educational requirements for the criminal justice field of expected employment.

6 (b) Documentary evidence of educational requirements shall consist of official transcripts of courses completed or
7 diplomas received from a school **which that** meets the approval guidelines of either the North Carolina Department of
8 Public Instruction, the Division of Non-Public Instruction, or a comparable out-of-state agency. Documentary
9 evidence of college or university graduation consists of diplomas or transcripts from colleges or universities accredited
10 by the Department of Education of the state in which the institution is located, from an accredited body recognized by
11 either the U.S. Department of Education or the Council for Higher Education Accreditation, or from the state
12 university of the state in which the institution is located. High school diplomas earned through correspondence
13 ~~enrollment~~ **enrollment, from enrollment in** an entity that charges a fee and requires the individual to complete little
14 ~~or no education or coursework to obtain a high school diploma, diploma are not shall not be~~ recognized toward these
15 minimum educational requirements.

16 (c) Documentary evidence of having received a high school equivalency credential from the issuing state shall be
17 satisfied by a certified copy of a high school equivalency credential from the issuing state.

18
19 *History Note: Authority G.S. 17C-6; 17C-10;*

20 *Eff. January 1, 1981;*

21 *Amended Eff. April 1, 2018; February 1, 2016; November 1, 2015; June 1, 2012; August 1, 2000.*

1 12 NCAC 09B .0203 is amend as published in Vol. 32, Issue 12; pages 1193-1202 **with changes** as follows:

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3 **12 NCAC 09B .0203 ADMISSION OF TRAINEES**

4 (a) The school shall not admit any individual as a trainee in a presentation of the Basic Law Enforcement Training
5 Course who is not a citizen of the United States.

6 (b) The school shall not admit any individual younger than 20 years of age as a trainee in any non-academic basic
7 criminal justice training course. Individuals under 20 years of age may be granted authorization for early enrollment
8 as trainees in a presentation of the Basic Law Enforcement Training Course with prior written approval from the
9 Director of the Standards Division. The Director shall approve early enrollment if the individual will be 20 years of
10 age prior to the date of the State Comprehensive Examination for the course.

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

13 (d) The school shall not admit any individual as a trainee in a presentation of the "Criminal Justice Instructor Training
14 Course" who does not meet the education and experience requirements for instructor certification under Rule .0302
15 of this Subchapter within 60 days of successful completion of the Instructor Training State Comprehensive
16 Examination.

17 (e) The school shall not admit an individual, including partial or limited enrollees, as a trainee in a presentation of the
18 Basic Law Enforcement Training Course unless the individual, within one year prior to admission to the Basic Law
19 Enforcement Training Course, places into course DRE 098 or above at a North Carolina Community College as a
20 result of taking the Reading and English component of the North Carolina Diagnostic Assessment and Placement test
21 as approved by the State Board of Community Colleges on October 17, 2014,
22 (<http://www.nccommunitycolleges.edu/state-board-community-colleges/meetings/october-17-2014>), or has taken the
23 reading component of a nationally standardized test within one year prior to admission to Basic Law Enforcement
24 Training and has scored at or above the tenth grade level or the equivalent. For the purposes of this Rule:

25 (1) Partial or limited enrollee does not include enrollees who hold, or have held within 12 months prior
26 to the date of enrollment, general certification pursuant to 12 NCAC 09C .0304.

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

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

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

30 (f) The school shall not admit any individual as a trainee in a presentation of the Basic Law Enforcement Training
31 Course unless the individual has provided to the School Director a medical examination report, completed by a
32 physician licensed to practice medicine in North Carolina, a physician's assistant, or a nurse practitioner, to determine
33 the individual's fitness to perform the essential job functions of a criminal justice officer. The Director of the Standards
34 Division shall grant an exception to this standard for a period of time not to exceed the commencement of the physical
35 fitness topical area when failure to receive the medical examination report is not due to neglect on the part of the
36 trainee.

1 (g) The school shall not admit any individual as a trainee in a presentation of the Basic Law Enforcement Training
2 Course unless the individual is a high school, college, or university graduate or has received a high school equivalency
3 credential recognized by the issuing state. High school diplomas earned through correspondence ~~enrollment~~
4 ~~enrollment, from enrollment in an entity that charges a fee and requires the individual to complete little or no education~~
5 ~~or coursework to obtain a high school diploma, are not diploma shall not be~~ recognized toward the educational
6 requirements.

7 (h) The school shall not admit any individual trainee in a presentation of the Basic Law Enforcement Training Course
8 unless the individual has provided the School Director a certified criminal record check for local and state records for
9 the time period since the trainee has become an adult and from all locations where the trainee has resided since
10 becoming an adult. An Administrative Office of the Courts criminal record check or a comparable out-of-state
11 criminal record check shall satisfy this requirement.

12 (i) The school shall not admit any individual as a trainee in a presentation of the Basic Law Enforcement Training
13 Course who has been convicted of the following:

- 14 (1) a felony;
- 15 (2) a crime for which the punishment could have been imprisonment for more than two years;
- 16 (3) a crime or unlawful act defined as a Class B Misdemeanor within the five year period prior to the
17 date of application for employment, unless the individual intends to seek certification through the
18 North Carolina Sheriffs' Education and Training Standards Commission;
- 19 (4) four or more crimes or unlawful acts defined as Class B Misdemeanors, regardless of the date of
20 conviction;
- 21 (5) four or more crimes or unlawful acts defined as Class A Misdemeanors, except the trainee may be
22 enrolled if the last conviction date occurred more than two years prior to the date of enrollment;
- 23 (6) a combination of four or more Class A Misdemeanors or Class B Misdemeanors regardless of the
24 date of conviction, unless the individual intends to seek certification through the North Carolina
25 Criminal Justice Education and Training Standards Commission.

26 (j) Individuals charged with crimes specified in Paragraph (i) of this Rule may be admitted into the Basic Law
27 Enforcement Training Course if such offenses were dismissed or the person was found not guilty, but completion of
28 the Basic Law Enforcement Training Course does not ensure that certification as a law enforcement officer or justice
29 officer through the North Carolina Criminal Justice Education and Training Standards Commission will be issued.
30 Every individual who is admitted as a trainee in a presentation of the Basic Law Enforcement Training Course shall
31 notify the School Director of all criminal offenses the trainee is arrested for or charged with, pleads no contest to,
32 pleads guilty to, or is found guilty of, and of all Domestic Violence Orders (G.S. 50B) that are issued by a judicial
33 official after a hearing that provides an opportunity for both parties to be present. This includes all criminal offenses
34 except minor traffic offenses and includes any offense of Driving Under the Influence (DUI) or Driving While
35 Impaired (DWI). A "minor traffic offense" is defined, for the purposes of this Paragraph, as an offense where the
36 maximum punishment allowable by law is 60 days or fewer. Other offenses under G.S. 20 (Motor Vehicles) or similar
37 laws of other jurisdictions that shall be reported to the School Director are G.S 20-138.1 (driving while under the

1 influence), G.S. 20-28 (driving while license permanently revoked or permanently suspended), G.S. 20-30(5)
2 (fictitious name or address in application for license or learner's permit), G.S. 20-37.8 (fraudulent use of a fictitious
3 name for a special identification card), G.S. 20-102.1 (false report of theft or conversion of a motor vehicle), G.S. 20-
4 111(5) (fictitious name or address in application for registration), G.S. 20-130.1 (unlawful use of red or blue lights),
5 G.S. 20-137.2 (operation of vehicles resembling law enforcement vehicles), G.S. 20-141.3 (unlawful racing on streets
6 and highways), G.S. 20-141.5 (speeding to elude arrest), and G.S. 20-166 (duty to stop in event of accident). The
7 notifications required under this Paragraph shall be in writing and specify the nature of the offense, the court in which
8 the case was handled, the date of the arrest or criminal charge, the date of issuance of the Domestic Violence Order
9 (G.S. 50B), and the final disposition and the date thereof. The notifications required under this Paragraph shall be
10 received by the School Director within 30 days of the date the case was disposed of in court. The requirements of this
11 Paragraph are applicable at all times during which the trainee is enrolled in a Basic Law Enforcement Training Course.
12 The requirements of this Paragraph are in addition to the notifications required under 12 NCAC 10B .0301 and 12
13 NCAC 09B .0101(8).

14
15 *History Note: Authority G.S. 17C-6; 17C-10;*
16 *Eff. January 1, 1981;*
17 *Amended Eff. April 1, 2018; January 1, 2017; February 1, 2016; November 1, 2015; March 1, 2015;*
18 *January 1, 2015; June 1, 2012; February 1, 2011; June 1, 2010; December 1, 2004; July 1, 2004;*
19 *August 1, 2002; August 1, 2000; January 1, 1995; March 1, 1992; July 1, 1989; January 1, 1985.*

20

1 12 NCAC 09E .0106 is amended as published in Vol. 32, Issue 12; pages. 1193-1202 **with changes** as follows: the
2 **italic text was approved by RRC September 2017 with an effective date of January 1, 2019:**

3
4 **12 NCAC 09E .0106 ANNUAL IN-SERVICE FIREARMS QUALIFICATION SPECIFICATIONS**

5 (a) All certified law enforcement officers shall qualify for both day and night use with their individual and department-
6 approved service ~~handgun(s)~~ handguns at least once each calendar year. For the purpose of this specification, service
7 handgun shall include any semi-automatic pistol or revolver. In addition to the requirements specified in Rule ~~09E~~
8 .0105 of this Subchapter, the course of fire shall not be less stringent than the "Basic Training Law Enforcement
9 Officers" course requirements for firearms qualification.

10 (b) If an officer's duty handgun is replaced the officer **must shall** qualify both day and night with the new handgun
11 within 15 days of issuance.

12 (c) All certified law enforcement officers who are issued or authorized to use a shotgun, ~~rifle~~ rifle, or automatic weapon
13 shall qualify with each weapon respectively *for both day and night use* at least once each calendar year.

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

18 (e) All certified law enforcement officers who are authorized to carry ~~an off-duty handgun(s)~~ off-duty handguns
19 shall qualify with each such handgun consistent with the specifications as outlined in Rules .0105(1) and .0106(a) and
20 (h) of this Section.

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

23 (g) The qualifications required by Paragraphs (a) ~~and (b)~~ (c) of this Rule ~~must shall~~ be achieved at least once in a
24 single day in no more than three attempts in a single day for each course of fire and for each weapon for which
25 qualification is required. Individuals not qualifying in a single day for each course of fire or for a certain weapon for
26 which qualification is required shall be deemed as having failed and ~~12 NCAC 09E .0103(4) and (5) shall apply.~~ Rule
27 0103(4) and (5) of this Section shall apply.

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

31 Criminal Justice Standards Division
32 North Carolina Department of Justice
33 ~~114 West Edenton Street~~
34 ~~Old Education Building~~
35 1700 Tryon Park Drive
36 ~~Post Office Drawer 149~~
37 Raleigh, North Carolina ~~27602~~ 27610

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

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

3

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

5 *Eff. July 1, 1989;*

6 *Amended Eff. April 1, 2018; January 1, 2006; January 1, 2005; November 1, 1998; March 1, 1992.*

1 12 NCAC 09F .0105 is amended as published in Vol. 32, Issue 12; pages 1193-1202 **with changes** as follows:

2
3 **12 NCAC 09F .0105 INSTRUCTOR RESPONSIBILITIES**

4 In delivering the "Concealed Carry Handgun Training" course the instructor shall:

- 5 (1) ~~Have~~ **have** a valid Concealed Carry Handgun instructor certification issued by the Criminal Justice
6 ~~Standards Division~~ **Division**;
- 7 (1) (2) file a copy of the proposed firearms course description, outline, and proof of instructor certification
8 along with a written request to conduct the "Concealed Carry Handgun Training" course for
9 approval by the Commission prior to delivery of any instruction ~~under~~ **required by** G.S. 14-415.12;
- 10 (2) (3) file a copy of ~~any modification(s);~~ **all modifications**;
- 11 (3) (4) be issued by Commission staff a quantity of certificates as requested by the instructor for course
12 participants which shall bear the instructor's name, the instructor's assigned number, be sequentially
13 numbered, and bear the raised seal ~~by~~ **of** the Commission;
- 14 (4) (5) affix the student's name to one certificate and issue that certificate to the student who successfully
15 completes the "Concealed Carry Handgun Training" course;
- 16 (5) (6) conduct the training consistent with the guidelines ~~as~~ established in 12 NCAC 09F .0102;
- 17 (6) (7) administer a written examination to the student on the legal issues block of instruction to
18 demonstrate that the student is knowledgeable in the laws of this State governing the carrying of a
19 concealed handgun and the use of deadly force; and
- 20 (7) (8) administer a proficiency examination ~~which shall demonstrate~~ that ~~demonstrates~~ the student is
21 competent in the ~~actual~~ firing and safe handling of a handgun. Such examination shall include the
22 following:
- 23 (a) The student ~~shall fire~~ **fires** 30 rounds of ammunition at a bulls-eye or silhouette target from
24 three, five and seven yard distances;
- 25 (b) At each yard distance the student shall fire ten rounds; ~~and~~
- 26 (c) 21 of the 30 rounds fired by the student ~~must~~ hit the target.

27
28 *History Note:* Authority G.S. 14-415.12; 14-415.13;
29 Temporary Adoption Eff. November 1, 1995;
30 Eff. May 1, 1996;
31 Amended Eff. April 1, 2018; May 1, 2004.
32

1 12 NCAC 09F .0106 is amended as published in Vol. 32, Issue 12; pages 1193-1202 **with changes** as follows:

2
3 **12 NCAC 09F .0106 SANCTIONS**

4 (a) The Commission shall suspend an approved course **when if** the Commission finds that the course has failed to
5 meet or maintain the required standards for approval, pursuant to Rule .0103 of this Section.

6 (b) The Commission, through the Standards Division, shall randomly conduct unannounced audits of a Concealed
7 Carry Handgun course taught by a certified Concealed Carry Handgun instructor for compliance with the requirements
8 of this Subchapter.

9 (c) The Commission shall deny, suspend, or revoke the certification of instructor status **when if** the Commission finds
10 that the instructor:

11 (1) failed to meet or maintain the required course and instruction standards approved by the
12 Commission as set forth in 12 NCAC 09F .0102 or 12 NCAC 09F .0105;

13 (2) failed to submit modification of courses or change in instructor status;

14 (3) submitted any non-sufficient funds check;

15 (4) falsified any record of completion with a passing score of an approved course;

16 (5) distributed any certificate provided by the Commission without the named permittee undertaking the
17 approved course from that instructor;

18 (6) taught any Concealed Carry Handgun course or approved certification while the instructor's
19 certification was suspended by the Commission; ~~or~~

20 (7) is ineligible to receive and possess a firearm under federal or North Carolina state **law, law; or**

21 (8) instructs a class without having a valid Concealed Carry Handgun Instructor Certification as
22 established in 12 NCAC 09F .0104

23 (d) Instructors who have lost certified status pursuant to Subparagraphs (1), (2), or (3) of Paragraph (c) of this Rule
24 may reapply for certification upon documentation of compliance after one year has elapsed from the date of suspension
25 of the instructor's certification by the Commission. Instructors who have lost certified status pursuant to Subparagraphs
26 (4), (5), (6), or (7) of Paragraph (c) of this Rule shall have their certification suspended or permanently revoked by the
27 Commission **as set forth in 12 NCAC 09A .0206**.

28
29 *History Note: Authority G.S. 14-415.12; 14-415.13;*

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

31 *Eff. May 1, 1996;*

32 *Amended Eff. April 1, 2018; May 1, 2016; February 1, 2007; September 1, 2005; May 1, 2004.*

1 12 NCAC 09G .0204 is amended as published in Vol. 32, Issue 12; pages 1193-1202 **with changes** as follows:

2
3 **12 NCAC 09G .0204 EDUCATION**

4 (a) Every person employed as a correctional officer by the North Carolina Department of Public Safety, Division of
5 Adult Correction and Juvenile Justice shall be a high school, college, or university graduate or have received a high
6 school equivalency credential as recognized by the issuing state.

7 (b) Every person employed as a probation and parole officer by the North Carolina Department of Public Safety,
8 Division of Adult Correction and Juvenile Justice shall be a graduate of a regionally accredited college or university
9 and have attained the baccalaureate degree.

10 (c) Each applicant for employment as a corrections officer shall furnish to the North Carolina Department of Public
11 Safety, Division of Adult Correction and Juvenile Justice **with** documentary evidence that the applicant has met the
12 educational requirements for the corrections field of expected employment.

13 (1) Documentary evidence of educational requirements shall consist of official transcripts of courses
14 completed or diplomas received from a school that meets the requirements of the Division of Non-
15 Public Instruction of the North Carolina Department of Public Instruction, a comparable out-of-state
16 agency, or is a ~~regionally accredited~~ **regionally-accredited** college or university. High school
17 diplomas earned through correspondence ~~enrollment~~ **enrollment, from enrollment in an entity that**
18 **charges a fee and requires the individual to complete little or no education or coursework to obtain**
19 **a high school diploma, are not diploma shall not be** recognized toward these minimum educational
20 requirements.

21 (2) Documentary evidence of high school equivalency shall be satisfied by a certified copy of a high
22 school equivalency credential as recognized by the issuing state.

23
24 *History Note: Authority G.S. 17C-6; 17C-10;*

25 *Temporary Adoption Eff. January 1, 2001;*

26 *Eff. August 1, 2002;*

27 *Amended Eff. April 1, 2018; February 1, 2016; November 1, 2015; January 1, 2015; August 1, 2004.*

1 **12 NCAC 09G .0414 is amended as published in Vol. 32, Issue 12; pages. 1193-1202 as follows:**

2
3 **12 NCAC 09G .0414 INSTRUCTOR TRAINING**

4 (a) The instructor training course required for general instructor certification shall consist of a minimum of 78 hours
5 of instruction presented during a continuous period of not more than two weeks.

6 (b) Each instructor training course shall be designed to provide the trainee with the skills and knowledge to perform
7 the function of a criminal justice instructor.

8 (c) Each instructor training course shall include **as a minimum** the following identified topic areas and minimum
9 instructional hours for each area:

- | | | | |
|----|------|--|------------------------------|
| 10 | (1) | Orientation and Pretest; | 3 hours |
| 11 | (2) | Instructional Systems Design (ISD); | 6 hours |
| 12 | (3) | Law Enforcement Instructor
Liabilities and Legal Responsibilities; | 3 hours |
| 13 | (4) | Instructional Leadership <u>Criminal Justice Instructional Leadership</u> | 4 hours |
| 14 | (5) | Lesson Plan Preparation: Professional Resources; | 3 hours |
| 15 | (6) | Lesson Plan Development: Format and Objective and Formatting | 4 hours |
| 16 | (7) | Adult Learning; | 4 6 hours |
| 17 | (8) | Instructional Style and Platform Skills; | 4 <u>5</u> hours |
| 18 | (9) | Classroom Management; | 4 <u>5</u> hours |
| 19 | (10) | Active Learning: Demonstration and Practical Exercises; | 6 hours |
| 20 | (11) | The Evaluation Process of Learning; | 4 hours |
| 21 | (12) | Principles of Instruction: Audio-Visual Aids; | 4 hours |
| 22 | (13) | Student 8-Minute Talk and Video Critique; and | 6 <u>5</u> hours |
| 23 | (14) | Student Performance:
First 30-Minute Presentation; | 5 hours |
| 24 | | Second 30-Minute Presentation; and | 5 hours |
| 25 | | Final 70-Minute Presentation and Review; | 12 <u>8</u> hours |
| 26 | (15) | Course Closing <u>and Post Test</u> | 4 <u>2</u> hours |

27
28
29 (d) The "Instructor Training Manual" published by the North Carolina Justice Academy shall be applied as the basic
30 curriculum for instructor training courses. Copies of this publication may be inspected at the agency:

31 Criminal Justice Standards Division
32 North Carolina Department of Justice
33 1700 Tryon Park Drive Post Office Drawer 149
34 Raleigh, North Carolina 27602

35 and may be purchased at the cost of printing and postage from the North Carolina Justice Academy at the following
36 address:

37 North Carolina Justice Academy

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Post Office Drawer 99
Salemberg, North Carolina 28385

*History Note: Authority G.S. 17C-6;
Temporary Adoption Eff. January 1, 2001;
Eff. August 1, 2002;
Amended Eff. April 1, 2018; January 1, 2018; January 1, 2015.*