12 NCAC 10B .0204 is amended with as published in 41:01 NCR 8-16 with changes as follows:

12 NCAC 10B .0204 SUSPENSION: REVOCATION: OR DENIAL OF CERTIFICATION

(a) The Commission shall revoke or deny the certification of a justice officer when the Commission finds that the applicant for certification or the certified officer has committed or been convicted of:

(1) a felony; or

(2) a crime for which the ~~authorized~~ maximum punishment could have been imprisonment for more than two years.

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

(1) has not enrolled in and satisfactorily completed the required basic training course in its entirety within a one year time period as specified by the rules in this Subchapter;

(2) fails to meet or maintain any of the employment or certification standards required by 12 NCAC 10B .0300;

(3) fails to satisfactorily complete the in-service training requirements as presented in 12 NCAC 10B .2000 and .2100 or 12 NCAC 09E .0100;

(4) has refused to submit to the drug screen as required by the rules in this Chapter or the rules of the Criminal Justice Education and Training Standards Commission or has refused to submit to an in-service drug screen pursuant to the guidelines set forth in the Drug Screening Implementation Guide as required by the employing agency through which the officer is certified;

(5) has produced a positive result on any drug screen reported to the Commission as specified in 12 NCAC 10B .0410 or reported to any commission, agency, or board established to certify, pursuant to said commission, agency, or boards' standards, a person as a justice officer, a corrections officer as defined in 12 NCAC 09G .0102 or a criminal justice officer as defined in 12 NCAC 09A .0103(7), unless the positive result is due to a medically indicated cause.

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

(1) has knowingly made a material misrepresentation of any information required for certification or accreditation from the Commission or the North Carolina Criminal Justice Education and Training Standards Commission. This Subparagraph also applies to obtaining or attempting to obtain in-service firearms requalification as required by 12 NCAC 10B .2000 and .2100;

(2) has knowingly and designedly by any means of false pretense, deception, fraud, misrepresentation or cheating whatsoever, obtained or attempted to obtain credit, training or certification from the Commission or the North Carolina Criminal Justice Education and Training Standards Commission. This Subparagraph also applies to obtaining or attempting to obtain in-service firearms requalification as required by 12 NCAC 10B .2000 and .2100;

(3) has knowingly and designedly by any means of false pretense, deception, fraud, misrepresentation or cheating whatsoever, aided another in obtaining or attempting to obtain credit, training, or certification from the Commission or the North Carolina Criminal Justice Education and Training Standards Commission. This Subparagraph also applies to obtaining or attempting to obtain in-service firearms requalification as required by 12 NCAC 10B .2000 and .2100;

(4) has been removed from office by decree of the Superior Court in accordance with the provisions of G.S. 128-16 or has been removed from office by sentence of the court in accord with the provisions of G.S. 14-230; or

(5) has been denied certification or had such certification suspended or revoked by the North Carolina Criminal Justice Education and Training Standards Commission, or a similar North Carolina, out-of-state or federal approving, certifying or licensing ~~agency.~~ agency; or

(6) has engaged in sexual activity, whether in uniform of the employing agency or out of uniform,

(A) while on duty;

(B) while on or off duty in a motor vehicle owned or under the control of a law enforcement agency;

(C) while on or off duty on the premises operated by the employing criminal justice agency;

(D) while in uniform of the employing agency in a public place;

(E) with an employee with whom the person had at the time supervisory responsibilities; or

(F) with a student who at the time is enrolled in a Commission-approved course in which the officer is an instructor, qualified assistant, or school director.

For purposes of this subsection, sexual activity includes any act defined as a sexual act or sexual contact per G.S. 14-27.20 ~~and includes~~ or vaginal intercourse; or

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

(d) The Commission may revoke, suspend or deny the certification of a justice officer when the Commission finds that the applicant for certification or the certified officer has committed or been convicted of:

(1) a crime or unlawful act defined in 12 NCAC 10B .0103(17)(b) as a Class B misdemeanor and which occurred after the date of appointment;

(2) a crime or unlawful act defined in 12 NCAC 10B .0103(17)(b) as a Class B misdemeanor within the five-year period prior to the date of appointment;

(3) four or more crimes or unlawful acts defined in 12 NCAC 10B .0103(17)(b) as Class B misdemeanors regardless of the date of commission or conviction;

(4) an accumulation of four or more crimes or unlawful acts defined in 12 NCAC 10B .0103(17)(a) as a Class A misdemeanor, regardless of the date of commission or conviction except the applicant

shall be certified if the last conviction or commission occurred more than two years prior to the date of appointment; or

(5) any combination of four or more crimes or unlawful acts defined in 12 NCAC 10B .0103(17)(a) as a Class A misdemeanor or defined in 12 NCAC 10B .0103(17)(b) as a Class B misdemeanor regardless of the date of commission or conviction.

(e) Without limiting the application of G.S. 17E, a person who has had his certification suspended or revoked shall not exercise the authority or perform the duties of a justice officer during the period of suspension or revocation.

(f) Without limiting the application of G.S. 17E, a person who has been denied certification revoked shall not be employed or appointed as a justice officer or exercise the authority or perform the duties of a justice officer.

(g) If the Commission does revoke, suspend, or deny the certification of a justice officer pursuant to this Rule, the period of such sanction shall be as set out in 12 NCAC 10B .0205.

History Note: *Authority G.S. 17E-7;*
Eff. January 1, 1990;
Amended Eff. July 1, 1990;
Recodified from 12 NCAC 10B .0204 Eff. January 1, 1991;
Amended Eff. April 1, 1991; January 1, 1991;
Recodified from 12 NCAC 10B .0207 Eff. January 1, 1992;
Amended Eff. January 1, 2009; January 1, 2008; January 1, 2007; January 1, 2006; March 1, 2005; January 1, 2005; August 1, 1998; January 1, 1996; January 1, 1995; January 1, 1994; January 1, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. November 1, 2026; December 1, 2023; February 1, 2023.

12 NCAC 10B .0205 is amended as published in 41:01 NCR 8-16 as follows:

12 NCAC 10B .0205 PERIOD OF SUSPENSION, REVOCATION, OR DENIAL

When the Commission suspends, revokes, or denies the certification of a justice officer, the period of sanction shall be:

(1) permanent where the cause of sanction is:

(a) commission or conviction of a felony;

(b) commission or conviction of a crime for which ~~authorized~~ the maximum punishment included imprisonment for more than two years; or

(c) the second revocation, suspension, or denial of an officer's certification for any of the causes requiring at least a five-year period of revocation, suspension, or denial as set out in Item (2) of this Rule.

(2) not less than five years where the cause of sanction is:

(a) commission or conviction of offenses as specified in 12 NCAC 10B .0204(d)(1);

(b) material misrepresentation of any information required for certification or accreditation from the Commission or the North Carolina Criminal Justice Education and Training Standards Commission. A material misrepresentation is a false representation of fact or omission of fact reported to or required to be reported to the Commission that if the true fact were known would have induced or caused the Commission to have treated the individual's certification or application for certification differently;

(c) knowingly and designedly by any means of false pretense, deception, fraud, misrepresentation or cheating, obtained or attempted to obtain credit, training or certification from the Commission or the North Carolina Criminal Justice Education and Training Standards Commission;

(d) knowingly and designedly by any means of false pretense, deception, fraud, misrepresentation or cheating, aiding another in obtaining or attempting to obtain credit, training, or certification from the Commission or the North Carolina Criminal Justice Education and Training Standards Commission. This Sub-Item also applies to obtaining or attempting to obtain credit for in-service training as required by 12 NCAC 10B .1700, .1800, .2000, or .2100;

(e) failure to make ~~either~~ any of the notifications as required by 12 NCAC 10B .0301(13);

(f) removal from office under the provisions of G.S. 128-16 or the provisions of G.S. 14-230;

(g) a positive result on a drug screen, refusal to submit to drug testing as required by the rules in this Chapter or the rules of the Criminal Justice Education and Training Standards Commission, or refusal to submit to an in-service drug screen pursuant to the guidelines

set forth in the Drug Screening Implementation Guide as required by the employing agency through which the officer is ~~certified.~~ certified;

(h) engaging in sexual activity outlined in .0204(c)(6) of this Subchapter; or

(i) untruthfulness during a criminal or internal formal investigation conducted by a law enforcement agency or during an investigation for a rules violation conducted by the Division, the Company and Campus Police Administrator, or the Criminal Justice Standards Division as outlined in 12 NCAC 10B .0204(c)(7).

The Commission may either reduce or suspend the periods of sanction under this Item or substitute a period of probation in lieu of revocation, suspension, or denial following an administrative hearing. This authority to reduce or suspend the period of sanction may be utilized by the Commission when extenuating circumstances brought out at the administrative hearing warrant such a reduction or suspension.

(3) for an indefinite period, but continuing so long as the stated deficiency, infraction, or impairment continues to exist, where the cause of sanction is:

(a) failure to meet or satisfy relevant basic training requirements pursuant to Sections .0500, .0600, and .1300 of this Subchapter.

(b) failure to meet or maintain the minimum standards of employment or certification pursuant to 12 NCAC 10B .0301;

(c) failure to meet or satisfy the in-service training requirements as prescribed in 12 NCAC 10B .2000 or .2100 or 12 NCAC 09E .0100;

(d) commission or conviction of offenses as specified in 12 NCAC 10B .0204(d)(2), (3), (4) and (5); or

(e) denial, suspension, or revocation of certification pursuant to 12 NCAC 10B .0204(c)(5).

The Commission may either reduce or suspend the periods of sanction where revocation, denial, or suspension of certification is based upon a finding of a violation of 12 NCAC 10B .0204(d) or substitute a period of probation in lieu of revocation, suspension, or denial following an administrative hearing. This authority to reduce or suspend the period of sanction may be utilized by the Commission when extenuating circumstances brought out at the administrative hearing warrant such a reduction or suspension.

History Note: *Authority G.S. 17E-4; 17E-7; 17E-9;*
Eff. January 1, 1991;
Recodified from 12 NCAC 10B .0208 Eff. January 1, 1992;
Amended Eff. January 1, 2013; January 1, 2009; January 1, 2008; January 1, 2007; January 1, 2006; March 1, 2005; January 1, 1995; January 1, 1994; January 1, 1993; January 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. November 1, 2026; January 1, 2023.

12 NCAC 10B .0304 is amended as published in 41:01 NCR 8-16 as follows:

12 NCAC 10B .0304 MEDICAL EXAMINATION

(a) Each applicant for certification or enrollment in a Commission-certified basic training course shall complete, sign, and date the Commission's Medical History Statement Form (F-1) and shall be examined by either a physician, surgeon, physician's assistant, or nurse practitioner, who is licensed to practice in North Carolina, or who is authorized to practice medicine in accordance with the rules and regulations of the United States Armed Forces, as outlined in 10 U.S.C. 1094, to help determine his or her fitness to carry out the physical requirements of the position of justice officer.

(b) The requirements of this rule shall be waived if the applicant for entry into any Commission-certified basic training course is:

(1) currently certified through the N.C. Sheriff's Education and Training Standards Commission as a justice officer;

(2) is seeking dual certification;

(3) has completed the required Medical History Statement (F-1) and medical exam for entry into a previously attended, completed Commission-certified basic training course; and

(4) the previous Medical History Statement and medical exam were completed within five years from the date of enrollment.

~~(b)~~(c) Prior to being examined, the applicant shall provide the examining surgeon, physician, physician's assistant, or nurse practitioner with:

(1) the Medical History Statement Form (F-1) which must be read, completed, and signed; and

(2) the Instructions to Agency and Examiner for Completion of Medical Examination Report Form (F-2A) attached to the Medical Examination Report Form (F-2).

~~(c)~~(d) The "Medical Screening Guidelines Implementation Manual for Certification of Justice Officers" in the State of North Carolina as published by the North Carolina Department of Justice may be obtained, at no cost, at https://ncdoj.gov/law-enforcement-training/sheriffs/.

~~(d)~~(e) The examining physician, surgeon, physician's assistant, or nurse practitioner shall record the results of the examination on the Medical Examination Report Form (F-2) and shall sign and date the form.

~~(e)~~(f) The Medical Examination Report Form (F-2) and the Medical History Statement Form (F-1) shall be valid for one year after the date the examination was conducted and shall be completed prior to:

(1) the applicant's beginning the Detention Officer Certification Course, the Basic Law Enforcement Training Course, or the Telecommunicator Certification Course; and

(2) the agency submission of application for certification to the Commission.

History Note: *Authority G.S. 17E-7;*
Eff. January 1, 1989;
Amended Eff. January 1, 1996; January 1, 1993; January 1, 1991; January 1, 1990;

Temporary Amendment Eff. March 1, 1998;
Amended Eff. January 1, 2018; January 1, 2009; August 1, 2002; April 1, 2001; August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. November 1, 2026; April 1, 2023; January 1, 2023.

12 NCAC 10B .0408 is amended as published in 41:01 NCR 8-16 as follows:

12 NCAC 10B .0408 VERIFICATION OF RECORDS TO DIVISION

(a) Before the Division will issue certification of a justice officer, the employing agency shall submit to the Division the following documents:

(1) the Report of Appointment (F-4);

(2) a copy of the applicant's Oath of Office, if applying for certification as a deputy sheriff;

(3) documentation of the applicant's compliance with the probationary certification requirements pursuant to Rule .0403(f) of this Section by submitting the applicant's Firearms Qualification Record, Form F-9A, if the applicant is a deputy sheriff or a detention officer and is authorized by the sheriff to carry a firearm;

(4) the results of the fingerprint criminal history records check of the applicant pursuant to Rule .0303 of this Subchapter;

(5) the applicant's processed Administrative Office of the Courts' AOC-CR-280 form as set forth in Rule .0305 of this Subchapter;

(6) the applicant's Release Authorization as set forth in Rule .0305 of this Subchapter;

(7) copies of court documentation and final disposition from the Clerk of Court in the county of adjudication of all criminal offenses for which the applicant was charged, arrested, pleads no contest, pleads guilty, or of which the applicant was found guilty. This shall include traffic offenses identified as a class B misdemeanor as defined in Rule .0103(17)(b) of this Subchapter and offenses of driving under the influence (DUI) or driving while impaired (DWI);

(8) a notarized written statement from the applicant providing a description of the circumstances surrounding all criminal offenses identified pursuant to Subparagraph (7) of this Paragraph; and

(9) the applicant's Personal History Statement (F-3) if the applicant reports any charges as referenced in Subparagraph (7) of this Paragraph or any expunged charges pursuant to Subparagraph (5) of this Paragraph.

(10) Criminal history pursuant to Rule 10B .0305(5)(A)(B)(C). Record checks shall be performed on each name by which the applicant for certification has been known since obtaining the age of 18 years of age.

(b) Compliance with this Rule is waived, with the exception of the requirements of Subparagraphs (a)(1), (2), and (3) of this Rule for officers applying for dual certification as defined in Rule .0103(9) of this Subchapter provided that:

(1) the officer holds a valid certification issued by this Commission as either a deputy sheriff, detention officer, or telecommunicator, with the employing agency requesting dual certification; and

(2) the officer has continuously been employed as a justice officer with the agency.

History Note: *Authority G.S. 17E-4; 17E-7;*

Eff. January 1, 1989;
Recodified from 12 NCAC 10B .0407 Eff. January 1, 1991;
Amended Eff. January 1, 1996; January 1, 1994; January 1, 1993; January 1, 1992;
Temporary Amendment Eff. March 1, 1998;
Amended Eff. August 1, 2002; August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. November 1, 2026; February 1, 2025; September 1, 2024; February 1, 2024; December 1, 2023; April 1, 2023; February 1, 2023; January 1, 2023.

12 NCAC 10B .2104 is amended as published in 41:01 NCR 8-16 as follows:

12 NCAC 10B .2104 ANNUAL FIREARMS QUALIFICATION SPECIFICATIONS

(a) All deputy sheriffs and detention officers who are authorized by the sheriff to carry a handgun shall qualify prior to carrying the handgun in the performance of official duties and a minimum of once each calendar year with each ~~department approved~~ agency-approved service ~~handgun by completing~~ handgun. Qualification shall consist of either completion of a BLET firearms qualification course, pursuant to 12 NCAC 09B .0205, or completion of ~~the Qualification~~ firearms qualification ~~courses~~ set forth in Paragraphs (b), (c), and (e) of this Rule. In the discretion of the Agency Head, an agency may allow the use of specialized sights as part of any course of fire in the Day Accuracy Qualification course, Low-Light Accuracy Qualification course, Day Decision Making Qualification course, or Low-Light Decision Making Qualification course. For the purpose of this Rule, service handgun shall include any semi-automatic pistol or revolver.

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

(1) ~~No~~ Firing no fewer than thirty (30) rounds;

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

(A) 3-yard line: ~~10%~~ 12%

(B) 5-yard line: 12%

(C) 7-yard line: ~~30%~~ 40%

(D) 10-yard line: 20%

(E) 15-yard line: ~~25%~~ 30%

(F) 25-yard line: ~~20%~~ 30%

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

(A) Standing;

(B) Kneeling;

(C) Barricade; and

(D) Prone is optional based on the agency's preference;

(4) Firing at least two rounds using the dominant hand only;

(5) Firing at least two rounds using the support hand only;

(6) ~~Fire after drawing from the holster;~~ At least one stage of fire must include a mandatory magazine change; and

(7) ~~At least one stage that includes a mandatory magazine change.~~ Prior to beginning any sequence of fire, the handgun must be holstered and all retention devices secured. The requirement to holster the handgun with all retention devices secured does not apply when a series of continued fire is required or a momentary pause in firing is necessary for reloading.

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

(1) ~~No~~ Firing no fewer than thirty (30) rounds;

(2) Firing from the three (3), five (5), seven (7), ten (10), and fifteen (15) yard lines and shall consist of a minimum of four rounds fired from each yard line and no more than the following percentage of ~~shots~~ rounds fired at each yard ~~line:~~ line, using the lighting as specified:

(A) 3-yard line: ~~13%~~ 20% - the use of no light is required;

(B) 5-yard line: ~~26%~~ 30% - using only a flashlight is required;

(C) 7-yard line: ~~24%~~ 30% - using only blue lights is required;

(D) 10-yard line: ~~24%~~ 30% - using only blue lights and low-beam headlights is required;

(E) 15-yard line: ~~24%.~~ 30% - using only blue lights and low-beam or high-beam headlights is required;

(F) At the 5, 7, 10, and 15 yard lines, in addition to the lighting as specified above, the agency can allow officers to also use a weapon-mounted light.

(3) Firing at least two rounds from the following positions:

(A) Standing; ~~and~~

(B) ~~Kneeling.~~ Kneeling;

(C) Barricade and Prone are optional based on the agency's preference.

(4) Firing at least two rounds using the dominant hand only;

(5) Firing at least two rounds using the support hand only;

(6) ~~Firing after drawing from the holster;~~ At least one stage of fire must include a mandatory magazine change;

(7) ~~At least one stage that includes a mandatory magazine change;~~ Prior to beginning any sequence of fire, the handgun must be holstered and all retention devices secured. The requirement to holster the handgun with all retention devices secured does not apply when a series of continued fire is required or a momentary pause in firing is necessary for reloading.

~~(8) At least one stage that includes the use of a flashlight or weapon-mounted light;~~

~~(9) At least one stage that includes the use of blue lights;~~

~~(10) At least one stage that includes the use of low-beam headlights and blue lights; and~~

~~(11) At least one stage that includes the use of headlights, blue lights, and all available lighting.~~

(d) All deputy sheriffs and detention officers shall successfully complete a Decision Making Qualification course for both day and low-light at least once each calendar year.

(e) The Decision Making Qualification course shall meet the following minimum requirements:

(1) Day Decision Making Qualification:

(A) No fewer than three decision points within the course;

(B) Required target discrimination decision (shoot/no-shoot);

(C) Required articulation by the officer of a minimum of two decisions made during the course; and

(D) Shall contain a detailed diagram of the decision making course, with a written explanation of the course, and a scoring matrix outlining what constitutes passing and failing performance, which shall be maintained in an Annual Qualification file by the agency and made available for audit.

(2) Low-Light Decision Making Qualification:

(A) No fewer than three decision points within the course;

(B) Required target discrimination decision (shoot/no-shoot);

(C) Required use of a flashlight, weapon-mounted light, or other shooter-controlled light source;

(D) Required articulation by the officer of a minimum of two decisions made during the course; and

(E) Shall contain a detailed diagram of the decision making course, with a written explanation of the course, and a scoring matrix outlining what constitutes passing and failing performance, which shall be maintained in an Annual Qualification file by the agency and made available for audit.

(f) If a deputy sheriff's or detention officer's ~~handgun~~ service firearm is replaced with another service ~~handgun~~ firearm of the same make and model, ~~they~~ the officer shall successfully complete the Day Accuracy Qualification with the new service ~~handgun~~ firearm within 15 days of issuance. If a deputy sheriff's or detention officer's service firearm is replaced with another service firearm of a different make, different model, or with a different sighting system, the officer must meet the requirements outlined in Paragraphs (a) or (g) of this Rule.

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

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

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

(j) ~~The accuracy qualification and decision making qualification courses required by Paragraphs (a) through (g) and (k) of this Rule shall define~~ For purposes of this Rule, low-light for an outdoor range is defined as beginning 30 minutes after sunset, based on the time provided by the U.S. Naval Observatory chart (located here: https://aa.usno.navy.mil/data/RS_OneYear) for the date of qualification, specific to the location of the outdoor range.

For an indoor range, transition to low-light environment occurs by cutting off the lighting and is not defined by a specific time.

(k) ~~All~~ Pursuant to G.S. 14-269 and the Law Enforcement Officers Safety Act of 2004, H.R.218, 108th Cong. (2004), (located here: https://www.congress.gov/bill/108th-congress/house-bill/218), all deputy sheriffs and detention officers who are authorized by the sheriff to carry off-duty handguns shall qualify with ~~their~~ each such off-duty handgun a minimum of once each calendar year pursuant to Paragraphs (a) through ~~(e)~~ (c) of this Rule with each handgun the officer carries off-duty using ammunition approved by the sheriff.

~~(l) All deputy sheriffs and detention officers who are issued or have access to any weapons not stated in this Rule must qualify with these weapons once each calendar year using ammunition approved by the sheriff.~~

~~(m)~~ (l) To satisfy the requirements for all firearms accuracy qualifications, a deputy sheriff or detention officer shall attain a minimum qualification score of 80 percent accuracy with each weapon. ~~at least once in three attempts with no more than three attempts on each course of fire per day.~~

~~(n)~~ (m) To satisfy the requirements for all decision making qualification courses, a deputy sheriff or detention officer shall attain a passing score as outlined by the specific ~~course~~ courses scoring matrix.

~~(o) (n) In cases where reduced sized targets are used to simulate actual distances, a modified course of fire may be used.~~

~~(p)~~ (n) ~~The following shall apply to each~~ Each Day Accuracy Qualification course and Low-Light Accuracy Qualification course:

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

(2) Failure to qualify within three attempts on a single day shall be deemed a failure.

(3) Once qualification has begun, if a deputy sheriff or detention officer is unsuccessful at any qualification attempt and fails to complete three attempts in a single day, the officer shall be deemed to have failed to qualify.

(4) ~~No practice is allowed once qualification begins. Practice is not allowed until after the officer qualifies successfully or the third qualification attempt is completed.~~ Between each qualification attempt by an individual, but not during a qualification attempt, any or all of the following may occur: coaching, advice, live fire, dry fire, or use of a simulator.

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

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

(7) Once a deputy sheriff or detention officer has failed to qualify in three attempts or failed to complete three attempts to qualify in a single day on any Qualification course, access to the weapon shall be restricted until such time the deputy sheriff or detention officer successfully qualifies with the weapon.

~~(q)~~ (o) ~~The following shall apply to each~~ Each Day Decision Making Qualification course and Low-Light Decision-Making Qualification course:

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

(2) Failure to qualify within three attempts on a single day shall be deemed a failure.

(3) Once qualification has begun, if a deputy sheriff or detention officer is unsuccessful at any qualification attempt and fails to complete three attempts in a single day, the officer shall be deemed to have failed to qualify.

(4) ~~No practice shall be allowed once qualification begins. Practice shall not be allowed until after the deputy sheriff or detention officer qualifies successfully or the third qualification attempt is completed.~~ Between each qualification attempt by an individual officer, but not during a qualification attempt, any or all of the following may occur: coaching, advice, live fire, dry fire, or use of a simulator.

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

(6) Once a deputy sheriff or detention officer has failed to qualify in three attempts or failed to complete three attempts to qualify in a single day on any qualification course, access to the weapon shall be restricted until such time the officer successfully qualifies with the weapon.

(7) Simulators, including virtual reality simulator headsets, are permitted for use during a Decision Making Qualification course, provided a Specialized Firearms Instructor certified by the Criminal Justice Education and Training Standards Commission is present to supervise.

(8) Non-lethal ammunition, such as force-on-force ammunition, Simunitions, and paintballs, is permitted for use during a Decision Making Qualification course.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 1989;
Amended Eff. January 1, 1994; January 1, 1993; January 1, 1992; January 1, 1991;
Temporary Amendment Eff. March 1, 1998;
Amended Eff. January 1, 2011; January 1, 2006; August 1, 2002; August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. January 1, 2027; March 1, 2026.