

Burgos, Alexander N

Subject: FW: [External] Sheriffs' Commission Responses to OAH Requests for Changes

From: Pendergraft, Robin <rpendergraft@NCDOJ.GOV>
Sent: Wednesday, February 25, 2026 1:06 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Rules, Oah <oah.rules@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Sheriffs' Commission Responses to OAH Requests for Changes

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Thanks Chris. I have forwarded this request to the Justice Academy and our legal counsel.
Robin

From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Wednesday, February 25, 2026 12:40 PM
To: Pendergraft, Robin <rpendergraft@NCDOJ.GOV>
Cc: Rules, Oah <oah.rules@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: RE: [External] Sheriffs' Commission Responses to OAH Requests for Changes

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Hi Robin!

Heads up – I did receive feedback from a Commissioner on some language in rule 12 NCAC 10B .0502(b) regarding the cost of the training manual. Specifically, the amended rule states, “The cost of the manual shall be determined by the Justice Academy based upon the current cost of manufacture and shipping.”

The Commissioner wants to know how this works in practice. He also expressed concern as to whether this complies with the APA, since § 150B-21.6 states that agencies “must have copies of the incorporated material available for inspection and **must specify in the rule** both where copies of the material can be obtained and **the cost on the date the rule is adopted of a copy of the material.**” (emphasis added). I also note that certain places in your rules specify the cost (such as 12 NCAC 10B .0105(b)) while others generally state “at the cost of printing and postage” (such as 12 NCAC 10B .0510(g)). Is there a reason for the differences?

Please respond today if possible. I would also be prepared to discuss at tomorrow’s RRC meeting.

Thank you!
Chris

Chris Miller

Rules Review Commission Counsel
North Carolina Office of Administrative Hearings | Rules Division
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Raleigh, NC 27609
(984) 236-1935

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Burgos, Alexander N

Subject: FW: [External] Sheriffs' Commission Responses to OAH Requests for Changes
Attachments: 12 NCAC 10B .0502 Basic LE Training Course Deputies_FINAL.doc; 12 NCAC 10B .2103 Min Training Req_FINAL.docx; 12 NCAC 10B .2104 Annual Firearms Qual Specifications_FINAL.docx; 12 NCAC 10B .2105 Failure to Qualify_FINAL.docx

From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Monday, February 23, 2026 12:19 PM
To: Pendergraft, Robin <rpendergraft@ncdoj.gov>
Cc: Rules, Oah <oah.rules@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: RE: [External] Sheriffs' Commission Responses to OAH Requests for Changes

Thank you, Robin – these changes look pretty good to me. I just made a few more small formatting tweaks.

The attached versions will be used for RRC review. I will be recommending approval for the four rules at Thursday's meeting.

Let me know if you have any questions.

Best,
Chris

1 **12 NCAC 10B .0502 is amended with changes as published in 40:10 NCR 817-820 as follows:**
2

3 **12 NCAC 10B .0502 BASIC LAW ENFORCEMENT TRAINING COURSE FOR DEPUTIES**

4 (a) The basic training course for deputy sheriffs ~~shall consists~~ **consist** of instruction designed to provide the trainee
5 with the skills and knowledge to perform those tasks essential to function in law enforcement.

6 (b) The "Basic Law Enforcement Training Manual" as published by the North Carolina Justice Academy shall be
7 used as the ~~as~~ **basic** curriculum for this Basic Law Enforcement Training Course. Copies of this manual may be
8 obtained ~~at a cost of eighty-seven dollars and ten cents (\$87.10)~~ from the North Carolina Justice Academy, Post
9 Office Box 99, Salemburg, North Carolina 28385-0099. The cost of the manual shall be determined by the Justice
10 Academy based upon the current cost of manufacture and shipping.

11 (c) The rules governing Minimum Standards for Completion of Training, codified as ~~Title 12, Subchapter 09B,~~
12 ~~Section .0200 of the North Carolina Administrative Code [http://www.ncsoh.com/rules/] 12 NCAC 09B .0400~~ and
13 adopted by the North Carolina Criminal Justice Education and Training Standards Commission, are hereby
14 incorporated by reference, and shall include any later amendments and editions of the incorporated matter to apply
15 to actions of the North Carolina Sheriffs' Education and Training Standards Commission. Copies of the incorporated
16 materials may be obtained at no cost from the Criminal Justice Standards Division, North Carolina Department of
17 Justice, 1700 Tryon Park Drive, ~~Raleigh~~ **Raleigh**, North Carolina 27602.

18
19 *History Note: Authority G.S. 17E-4(a);*

Eff. January 1, 1989;

*Amended Eff. February 1, 2014; August 1, 2011; January 1, 2010; January 1, 2006; August 1,
2000; January 1, 1996; January 1, 1995; February 1, 1991; January 1, 1990;*

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,

~~2018-2018:~~

Amended Eff. March 1, 2026.

1 12 NCAC 10B .2103 is amended with changes as published in 40:10 NCR 817-820 as follows:

2
3 12 NCAC 10B .2103 MINIMUM TRAINING REQUIREMENTS

4 ~~(a) In order to be approved by the Commission, an In-Service Firearms Training and Requalification Program shall~~
5 ~~include in~~ In addition to conducting Annual Firearms Qualification, as prescribed in 12 NCAC 10B .2104, Specialized
6 Firearms Instructor Instructors shall provide instruction on the following specified topics:

- 7 (1) Use of Force: review the authority to use deadly force including relevant case law and materials.
- 8 (2) Safety:
- 9 (A) Range rules and regulations;
- 10 (B) Handling of a firearm; and
- 11 (C) Malfunctions.
- 12 (3) Review of Basic Marksmanship Fundamentals:
- 13 (A) Grip, stance, breath control [trigger press] breath control, trigger press, and trigger squeeze
- 14 reset;
- 15 (B) Sight and alignment/ alignment and sight picture; and
- 16 (C) Nomenclature.
- 17 (4) Operation and Maintenance of all authorized agency-authorized weapons.

18 ~~(b) The Instructor shall teach the same training objectives for the topical areas listed in this Rule as specified in the~~
19 ~~Specialized Firearms Instructor Training Manual published by the North Carolina Justice Academy which is hereby~~
20 ~~incorporated by reference and shall automatically include any later amendments and editions of the referenced~~
21 ~~materials as the approved source for the above mandated topical areas. Copies of this publication may be obtained~~
22 ~~from the North Carolina Justice Academy, Post Office Drawer 99, Salemburg, North Carolina 28385. There is no cost~~
23 ~~per manual at the time of adoption of this Rule.~~

24
25 *History Note: Authority G.S. 17E-4; 17E-7;*

26 *Eff. January 1, 1989;*

27 *Amended Eff. January 1, 2013; January 1, 1993; [March 1, 2026;]*

28 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*

29 *2018-2018;*

30 *Amended Eff. March 1, 2026.*

1 12 NCAC 10B. 2104 is amended with changes as published in 40:10 NCR 817-820 as follows:

2
3 **12 NCAC 10B .2104 ~~IN-SERVICE~~ ANNUAL FIREARMS REQUALIFICATION QUALIFICATION**
4 **SPECIFICATIONS**

5 (a) All deputy sheriffs and detention officers who are authorized by the sheriff to carry a handgun shall qualify a
6 minimum of once each calendar year with ~~their each individual and~~ department-approved service handgun by
7 completing the Qualification courses set forth in Paragraphs (b), (c), and (e) of this Rule. ~~The course of fire shall not~~
8 ~~be less stringent than the "Basic Law Enforcement Training Course" requirements for firearms qualification. For the~~
9 purpose of this ~~[specification,] Rule,~~ service handgun shall include any semi-automatic pistol or revolver.

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

- 12 (1) No fewer than thirty (30) rounds
- 13 (2) Firing from the three (3), five (5), seven (7), ten (10), fifteen (15), and twenty-five (25)
14 yard lines shall consist of no more than the following percentage of shots at each yard
15 line:
- 16 (A) 3-yard line: 10%
- 17 (B) 5-yard line: 12%
- 18 (C) 7-yard line: 30%
- 19 (D) 10-yard line: 20%
- 20 (E) 15-yard line: 25%
- 21 (F) 25-yard line: 20%
- 22 (3) Firing at least two rounds from each of the following positions:
- 23 (A) Standing
- 24 (B) Kneeling
- 25 (C) Barricade
- 26 (4) Firing at least two rounds dominant hand only
- 27 (5) Firing at least two rounds support hand only
- 28 (6) Fire after drawing from the holster
- 29 (7) At least one stage that includes a mandatory magazine change

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

- 32 (1) No fewer than thirty (30) rounds
- 33 (2) Firing from the three (3), five (5), seven (7), ten (10), and fifteen (15) yard lines shall
34 consist of no more than the following percentage of shots at each yard line:
- 35 (A) 3-yard line: 13%
- 36 (B) 5-yard line: 26%
- 37 (C) 7-yard line: 24%

1 (D) 10-yard line: 24%

2 (E) 15-yard line: 24%.

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

4 (A) Standing

5 (B) Kneeling

6 (4) Firing at least two rounds dominant hand only

7 (5) Firing at least two rounds support hand only

8 (6) Firing after drawing from the holster

9 (7) At least one stage that includes a mandatory magazine change

10 (8) At least one stage that includes the [required] use of a flashlight or weapon-mounted light

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

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

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

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

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

17 (1) Day Decision Making Qualification:

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

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

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

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

26 (2) Low-Light Decision Making Qualification:

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

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

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

31 (D) Required articulation by the officer of a minimum of two decisions made during
32 the course.

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

1 (f) If a ~~[deputy's]~~ deputy sheriff's or detention officer's handgun is replaced with another service handgun of the
2 same make and model, they shall successfully complete the Day Accuracy Qualification with the new service handgun
3 within 15 days of issuance.

4 ~~(b)(g)~~ All deputy sheriffs and detention officers who are issued or otherwise authorized by the sheriff to ~~carry~~ use a
5 shotgun, rifle, or automatic weapon shall qualify with each weapon respectively, for both day and low-light use a
6 minimum of at least once each calendar year. The course of fire shall not be less stringent than those set out in the "In
7 Service Firearms Qualification Manual" as published by the North Carolina Justice Academy.

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

12 (i) All deputy sheriffs and detention officers who are issued or authorized to use a less-lethal weapon, that may also
13 be classified as a firearm, shall qualify with each weapon, respectively, in compliance with the manufacturer's
14 specifications or certification requirements.

15 (j) The accuracy qualification and decision making qualification courses required by [paragraphs] Paragraphs (a)
16 through (g) and (k) of this [Rule.] Rule shall define low-light for an outdoor range as beginning 30 minutes after
17 sunset, based on the time provided by the U.S. Naval Observatory chart for the date of qualification, specific to the
18 location of the outdoor range. For an indoor range, transition to low-light environment occurs by cutting off the
19 lighting and is not defined by a specific time.

20 ~~(d)(k)~~ All deputy sheriffs and detention officers who are authorized by the sheriff to carry off duty off-duty handguns
21 shall qualify with their off duty off-duty handgun a minimum of once each calendar year pursuant to 12 NCAC 10B
22 .2103 and .2104(a) and (b) Paragraphs (a) through (e) of this Rule with each handgun the officer carries off duty off-
23 duty using ammunition approved by the sheriff.

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

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

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

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

33 (p) The following shall apply to [Each] each Day Accuracy Qualification course and Low-Light Accuracy
34 Qualification course:

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

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

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

4 (4) No practice [is] shall be allowed once qualification begins. Practice [is] shall not be allowed until
5 after the officer qualifies successfully or the third qualification attempt is completed.

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

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

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

13 (g) The following shall apply to [Each] each Day Decision Making Qualification course and Low-Light Decision-
14 Making Qualification course:

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

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

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

20 (4) No practice [is] shall be allowed once qualification begins. Practice [is] shall not be allowed until
21 after the deputy sheriff or detention officer qualifies successfully or the third qualification attempt
22 is completed.

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

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

28 (g) To satisfy the training requirements for all in-service firearms requalifications, a deputy sheriff or detention officer
29 shall attain a minimum qualification score of 70 percent accuracy with each weapon once in three attempts with no
30 more than three attempts on each course of fire per day.

31 (h) The "In-Service Firearms Qualification Manual" as published by the North Carolina Justice Academy is hereby
32 incorporated by reference, and shall automatically include any later amendments or editions of the referenced materials
33 to apply as a minimum guide for conducting the annual in-service firearms qualification. Copies of the publication
34 may be obtained from the North Carolina Justice Academy, Post Office Drawer 99, Salemburg, North Carolina 28385.
35 There is no cost per manual at the time of adoption of this Rule.

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

1 12 NCAC 10B .2105 is amended with changes as published in 40:10 NCR 817-820 as follows:

2
3 **12 NCAC 10B .2105 FAILURE TO QUALIFY**

4 (a) Deputy sheriffs and detention officers who fail to qualify pursuant to Rule .2104 of this Section shall

5 immediately surrender their weapons to the sheriff, or his or her authorized [representative] designee upon failure
6 upon his request, and shall have 30 days in which to obtain the qualification score required in 12 NCAC 10B .2104.

7 (b) Failure to qualify within the time period allowed in 12 NCAC 10B .2105(a) Paragraph (a) of this Rule shall
8 result in the summary suspension of the deputy sheriff's or detention officer's certification by the Commission.

9 (c) No deputy sheriff or detention officer summarily suspended under Paragraph (b) of this Rule and in compliance
10 with 12 NCAC 10B .0206(a)(3) may work as a certified justice officer until:

11 (1) the sheriff forwards to the Commission documentary evidence verifying that the officer has complied
12 with the requirements of 12 NCAC 10B .2103 and .2104; and

13 (2) the deputy sheriff or detention officer and the sheriff receive from the Commission documentation that
14 the Commission has terminated the suspension and reinstated the certification to the deputy sheriff or
15 detention officer.

16 (d) Any deputy sheriff or detention officer not previously unauthorized authorized by the sheriff to carry a weapon
17 but whose status changed to "authorized to carry a weapon," must shall comply with the provisions set out in 12
18 NCAC 10B .2103 and ~~.2104;~~ .2104 and may not carry a firearm until:

19 (1) the sheriff forwards to the Commission documentary evidence verifying that the officer has complied
20 with the requirements of 12 NCAC 10B .2103 and .2104; and

21 (2) the deputy sheriff or detention officer and the sheriff receive from the Commission documentation that
22 the Commission has amended the officer's status to "authorized to carry a weapon" and all Commission
23 certification files reflect the same.

24
25 *History Note: Authority G.S. 17E-4; 17E-7; 17E-9;*

26 *Eff. January 1, 1989;*

27 *Amended Eff. March 1, 1995; January 1, 1995; January 1, 1993; January 1, 1990;*

28 *Temporary Amendment Eff. March 1, 1998;*

29 *Amended Eff. August 1, 1998; [March 1, 2026;]*

30 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018-2018;*

31 *Amended Eff. March 1, 2026.*

Burgos, Alexander N

Subject: FW: [External] Sheriffs' Commission Responses to OAH Requests for Changes
Attachments: 12 NCAC 10B .0502 Basic LE Training Course Deputies.doc; 12 NCAC 10B .2103 Min Training Req.docx; 12 NCAC 10B .2104 Annual Firearms Qual Specifications (002).docx; 12 NCAC 10B .2105 Failure to Qualify.docx

From: Pendergraft, Robin <rpendergraft@NCDOJ.GOV>
Sent: Friday, February 20, 2026 3:35 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Rules, Oah <oah.rules@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Sheriffs' Commission Responses to OAH Requests for Changes

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

Well yes I did. I know you are ready for the weekend after dealing with me!
Robin

1 **12 NCAC 10B .0502 is amended with changes as published in 40:10 NCR 817-820 as follows:**
2

3 **12 NCAC 10B .0502 BASIC LAW ENFORCEMENT TRAINING COURSE FOR DEPUTIES**

4 (a) The basic training course for deputy sheriffs ~~shall consists~~ **consist** of instruction designed to provide the trainee
5 with the skills and knowledge to perform those tasks essential to function in law enforcement.

6 (b) The "Basic Law Enforcement Training Manual" as published by the North Carolina Justice Academy shall be
7 used as the ~~as~~ **basic** curriculum for this Basic Law Enforcement Training Course. Copies of this manual may be
8 obtained ~~at a cost of eighty-seven dollars and ten cents (\$87.10)~~ from the North Carolina Justice Academy, Post
9 Office Box 99, Salemburg, North Carolina 28385-0099. The cost of the manual shall be determined by the Justice
10 Academy based upon the current cost of manufacture and shipping.

11 (c) The rules governing Minimum Standards for Completion of Training, codified as ~~Title 12, Subchapter 09B,~~
12 ~~Section .0200 of the North Carolina Administrative Code [http://www.ncsoh.com/rules/] 12 NCAC 09B .0400~~ and
13 adopted by the North Carolina Criminal Justice Education and Training Standards Commission, are hereby
14 incorporated by reference, and shall include any later amendments and editions of the incorporated matter to apply
15 to actions of the North Carolina Sheriffs' Education and Training Standards Commission. Copies of the incorporated
16 materials may be obtained at no cost from the Criminal Justice Standards Division, North Carolina Department of
17 Justice, 1700 Tryon Park Drive, ~~Raleigh~~ **Raleigh**, North Carolina 27602.

18
19 *History Note: Authority G.S. 17E-4(a);*

Eff. January 1, 1989;

*Amended Eff. February 1, 2014; August 1, 2011; January 1, 2010; January 1, 2006; August 1,
2000; January 1, 1996; January 1, 1995; February 1, 1991; January 1, 1990;*

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,

~~2018. 2018;~~

Amended Eff. March 1, 2026.

1 12 NCAC 10B .2103 is amended with changes as published in 40:10 NCR 817-820 as follows:

2
3 12 NCAC 10B .2103 MINIMUM TRAINING REQUIREMENTS

4 ~~(a) In order to be approved by the Commission, an In-Service Firearms Training and Requalification Program shall~~
5 ~~include in~~ In addition to conducting Annual Firearms Qualification, as prescribed in 12 NCAC 10B .2104,
6 Specialized Firearms Instructor Instructors shall provide instruction on the following specified topics:

- 7 (1) Use of Force: review the authority to use deadly force including relevant case law and materials.
- 8 (2) Safety:
- 9 (A) Range rules and regulations;
- 10 (B) Handling of a firearm; and
- 11 (C) Malfunctions.
- 12 (3) Review of Basic Marksmanship Fundamentals:
- 13 (A) Grip, stance, ~~breath control, trigger press~~ breath control, trigger press, and trigger squeeze
- 14 reset;
- 15 (B) Sight and ~~alignment/~~ alignment and sight picture; and
- 16 (C) Nomenclature.
- 17 (4) Operation and Maintenance of all ~~authorized~~ agency-authorized weapons.

18 ~~(b) The Instructor shall teach the same training objectives for the topical areas listed in this Rule as specified in the~~
19 ~~Specialized Firearms Instructor Training Manual published by the North Carolina Justice Academy which is hereby~~
20 ~~incorporated by reference and shall automatically include any later amendments and editions of the referenced~~
21 ~~materials as the approved source for the above mandated topical areas. Copies of this publication may be obtained~~
22 ~~from the North Carolina Justice Academy, Post Office Drawer 99, Salemburg, North Carolina 28385. There is no~~
23 ~~cost per manual at the time of adoption of this Rule.~~

24
25 *History Note: Authority G.S. 17E-4; 17E-7;*
26 *Eff. January 1, 1989;*
27 *Amended Eff. January 1, 2013; January 1, 1993;*
28 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
29 2018-2018;
30 Amended Eff. March 1, 2026.

1 12 NCAC 10B. 2104 is amended with changes as published in 40:10 NCR 817-820 as follows:

2
3 **12 NCAC 10B .2104 ~~IN-SERVICE~~ ANNUAL FIREARMS REQUALIFICATION QUALIFICATION**
4 **SPECIFICATIONS**

5 (a) All deputy sheriffs and detention officers who are authorized by the sheriff to carry a handgun shall qualify a
6 minimum of once each **calendar** year with ~~their each individual and~~ department-approved **service** handgun **by**
7 **completing the Qualification courses set forth in Paragraphs (b), (c), and (e) of this Rule.** ~~The course of fire shall not~~
8 ~~be less stringent than the "Basic Law Enforcement Training Course" requirements for firearms qualification. For the~~
9 ~~purpose of this specification, Rule, service handgun shall include any semi-automatic pistol or revolver.~~

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

- 12 (1) No fewer than thirty (30) rounds
- 13 (2) Firing from the three (3), five (5), seven (7), ten (10), fifteen (15), and twenty-five (25)
14 yard lines shall consist of no more than the following percentage of shots at each yard
15 line:
- 16 (A) 3-yard line: 10%
- 17 (B) 5-yard line: 12%
- 18 (C) 7-yard line: 30%
- 19 (D) 10-yard line: 20%
- 20 (E) 15-yard line: 25%
- 21 (F) 25-yard line: 20%
- 22 (3) Firing at least two rounds from each of the following positions:
- 23 (A) Standing
- 24 (B) Kneeling
- 25 (C) Barricade
- 26 (4) Firing at least two rounds dominant hand only
- 27 (5) Firing at least two rounds support hand only
- 28 (6) Fire after drawing from the holster
- 29 (7) At least one stage that includes a mandatory magazine change

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

- 32 (1) No fewer than thirty (30) rounds
- 33 (2) Firing from the three (3), five (5), seven (7), ten (10), and fifteen (15) yard lines shall
34 consist of no more than the following percentage of shots at each yard line:
- 35 (A) 3-yard line: 13%
- 36 (B) 5-yard line: 26%
- 37 (C) 7-yard line: 24%

1 (D) 10-yard line: 24%

2 (E) 15-yard line: 24%.

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

4 (A) Standing

5 (B) Kneeling

6 (4) Firing at least two rounds dominant hand only

7 (5) Firing at least two rounds support hand only

8 (6) Firing after drawing from the holster

9 (7) At least one stage that includes a mandatory magazine change

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

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

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

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

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

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

18 (1) Day Decision Making Qualification:

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

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

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

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

27 (2) Low-Light Decision Making Qualification:

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

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

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

32 (D) Required articulation by the officer of a minimum of two decisions made during
33 the course.

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

1 (f) If a ~~deputy's~~ deputy sheriff's or detention officer's handgun is replaced with another service handgun of the
2 same make and model, they shall successfully complete the Day Accuracy Qualification with the new service
3 handgun within 15 days of issuance.

4 ~~(b)(g)~~ All deputy sheriffs and detention officers who are issued or otherwise authorized by the sheriff to carry use a
5 shotgun, rifle, or automatic weapon shall qualify with each weapon respectively, for both day and low-light use a
6 minimum of at least once each calendar year. The course of fire shall not be less stringent than those set out in the
7 "In Service Firearms Qualification Manual" as published by the North Carolina Justice Academy.

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

12 (i) All deputy sheriffs and detention officers who are issued or authorized to use a less-lethal weapon, that may also
13 be classified as a firearm, shall qualify with each weapon, respectively, in compliance with the manufacturer's
14 specifications or certification requirements.

15 (j) The accuracy qualification and decision making qualification courses required by paragraphs Paragraphs (a)
16 through (g) and (k) of this Rule shall define low-light for an outdoor range as beginning 30 minutes after sunset,
17 based on the time provided by the U.S. Naval Observatory chart for the date of qualification, specific to the location
18 of the outdoor range. For an indoor range, transition to low-light environment occurs by cutting off the lighting and
19 is not defined by a specific time.

20 ~~(d)(k)~~ All deputy sheriffs and detention officers who are authorized by the sheriff to carry off-duty off-duty
21 handguns shall qualify with their off-duty off-duty handgun a minimum of once each calendar year pursuant to ~~42~~
22 NCAC 10B .2103 and .2104(a) and (b) Paragraphs (a) through (e) of this Rule with each handgun the officer carries
23 off-duty using ammunition approved by the sheriff.

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

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

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

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

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

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

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

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

4 (4) No practice is shall be allowed once qualification begins. Practice is shall not be allowed until
5 after the officer qualifies successfully or the third qualification attempt is completed.

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

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

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

13 (g) The following shall apply to Each each Day Decision Making Qualification course and Low-Light Decision-
14 Making Qualification course:

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

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

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

20 (4) No practice is shall be allowed once qualification begins. Practice is shall not be allowed until
21 after the deputy sheriff or detention officer qualifies successfully or the third qualification attempt
22 is completed.

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

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

28 (g) To satisfy the training requirements for all in service firearms requalifications, a deputy sheriff or detention
29 officer shall attain a minimum qualification score of 70 percent accuracy with each weapon once in three attempts
30 with no more than three attempts on each course of fire per day.

31 (h) The "In Service Firearms Qualification Manual" as published by the North Carolina Justice Academy is hereby
32 incorporated by reference, and shall automatically include any later amendments or editions of the referenced
33 materials to apply as a minimum guide for conducting the annual in service firearms qualification. Copies of the
34 publication may be obtained from the North Carolina Justice Academy, Post Office Drawer 99, Salemburg, North
35 Carolina 28385. There is no cost per manual at the time of adoption of this Rule.

36
37

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

1 12 NCAC 10B .2105 is amended with changes as published in 40:10 NCR 817-820 as follows:

2
3 **12 NCAC 10B .2105 FAILURE TO QUALIFY**

4 (a) Deputy sheriffs and detention officers who fail to qualify pursuant to Rule .2104 of this Section shall
5 ~~immediately~~ surrender their weapons to the sheriff; or ~~his or her~~ authorized ~~representative~~ ~~designee~~ upon failure
6 ~~upon his request~~, and shall have 30 days in which to obtain the qualification score required in 12 NCAC 10B .2104.

7 (b) Failure to qualify within the time period allowed in ~~12 NCAC 10B .2105(a)~~ Paragraph (a) of this Rule shall
8 result in the summary suspension of the deputy sheriff's or detention officer's certification by the Commission.

9 (c) No deputy sheriff or detention officer summarily suspended under Paragraph (b) of this Rule and in compliance
10 with 12 NCAC 10B .0206(a)(3) may work as a certified justice officer until:

11 (1) the sheriff forwards to the Commission documentary evidence verifying that the officer has complied
12 with the requirements of 12 NCAC 10B .2103 and .2104; and

13 (2) the deputy sheriff or detention officer and the sheriff receive from the Commission documentation that
14 the Commission has terminated the suspension and reinstated the certification to the deputy sheriff or
15 detention officer.

16 (d) Any deputy sheriff or detention officer ~~not~~ previously ~~unauthorized~~ ~~authorized by the sheriff~~ to carry a weapon
17 but whose status changed to "authorized to carry a weapon," ~~must~~ ~~shall~~ comply with the provisions set out in 12
18 NCAC 10B .2103 and ~~.2104;~~ ~~.2104~~ and may not carry a firearm until:

19 (1) the sheriff forwards to the Commission documentary evidence verifying that the officer has complied
20 with the requirements of 12 NCAC 10B .2103 and .2104; and

21 (2) the deputy sheriff or detention officer and the sheriff receive from the Commission documentation that
22 the Commission has amended the officer's status to "authorized to carry a weapon" and all ~~Commission~~
23 certification files reflect the same.

24
25 *History Note: Authority G.S. 17E-4; 17E-7; 17E-9.*

26 *Eff. January 1, 1989;*

27 *Amended Eff. March 1, 1995; January 1, 1995; January 1, 1993; January 1, 1990;*

28 *Temporary Amendment Eff. March 1, 1998;*

29 *Amended Eff. August 1, 1998;*

30 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018-2018;*

31 *Amended Eff. March 1, 2026.*

Burgos, Alexander N

Subject: FW: [External] Sheriffs' Commission Responses to OAH Requests for Changes

From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Friday, February 20, 2026 3:11 PM
To: Pendergraft, Robin <rpendergraft@ncdoj.gov>
Cc: Rules, Oah <oah.rules@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: RE: [External] Sheriffs' Commission Responses to OAH Requests for Changes

No worries! Can you please send along the updated versions? I think you may have forgotten to attach them.

Thanks,
Chris

From: Pendergraft, Robin <rpendergraft@NCDOJ.GOV>
Sent: Friday, February 20, 2026 2:04 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Rules, Oah <oah.rules@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Sheriffs' Commission Responses to OAH Requests for Changes

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

Chris

I have reviewed all the rules, made changes as required, and hope I caught all those that I had not done previously. As you likely have guessed, I have not previously had rules with changes in my short tenure as rule coordinator.

Robin

Burgos, Alexander N

Subject: FW: [External] Sheriffs' Commission Responses to OAH Requests for Changes

From: Pendergraft, Robin <rpendergraft@NCDOJ.GOV>
Sent: Friday, February 20, 2026 11:39 AM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Rules, Oah <oah.rules@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Sheriffs' Commission Responses to OAH Requests for Changes

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

Oops! Will do.
Robin

From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Friday, February 20, 2026 11:38 AM
To: Pendergraft, Robin <rpendergraft@NCDOJ.GOV>
Cc: Rules, Oah <oah.rules@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: RE: [External] Sheriffs' Commission Responses to OAH Requests for Changes

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

Please check the other three rules as well. I believe that those changes need to be made throughout. I was just providing you with one example in my email.
Chris

Burgos, Alexander N

Subject: FW: [External] Sheriffs' Commission Responses to OAH Requests for Changes
Attachments: 12 NCAC 10B .0502 Basic LE Training Course Deputies.doc

From: Pendergraft, Robin <rpendergraft@NCDOJ.GOV>
Sent: Friday, February 20, 2026 11:35 AM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Rules, Oah <oah.rules@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Sheriffs' Commission Responses to OAH Requests for Changes

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

Sigh! I have made that change. I appreciate your attention to details. I have attached the rule.
Robin

1 **12 NCAC 10B .0502 is amended with changes as published in 40:10 NCR 817-820 as follows:**
2

3 **12 NCAC 10B .0502 BASIC LAW ENFORCEMENT TRAINING COURSE FOR DEPUTIES**

4 (a) The basic training course for deputy sheriffs ~~shall consists~~ **consist** of instruction designed to provide the trainee
5 with the skills and knowledge to perform those tasks essential to function in law enforcement.

6 (b) The "Basic Law Enforcement Training Manual" as published by the North Carolina Justice Academy shall be
7 used as the ~~as~~ **basic** curriculum for this Basic Law Enforcement Training Course. Copies of this manual may be
8 obtained ~~at a cost of eighty-seven dollars and ten cents (\$87.10)~~ from the North Carolina Justice Academy, Post
9 Office Box 99, Salemburg, North Carolina 28385-0099. The cost of the manual shall be determined by the Justice
10 Academy based upon the current cost of manufacture and shipping.

11 (c) The rules governing Minimum Standards for Completion of Training, codified as ~~Title 12, Subchapter 09B,~~
12 ~~Section .0200 of the North Carolina Administrative Code [http://www.ncsoh.com/rules/] 12 NCAC 09B .0400~~ and
13 adopted by the North Carolina Criminal Justice Education and Training Standards Commission, are hereby
14 incorporated by reference, and shall include any later amendments and editions of the incorporated matter to apply
15 to actions of the North Carolina Sheriffs' Education and Training Standards Commission. Copies of the incorporated
16 materials may be obtained at no cost from the Criminal Justice Standards Division, North Carolina Department of
17 Justice, 1700 Tryon Park Drive, Raleigh, ~~North Carolina~~ 27602.

18
19 *History Note: Authority G.S. 17E-4(a);*

Eff. January 1, 1989;

*Amended Eff. February 1, 2014; August 1, 2011; January 1, 2010; January 1, 2006; August 1,
2000; January 1, 1996; January 1, 1995; February 1, 1991; January 1, 1990;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,
2018;*

Amended Eff. March 1, 2026.

Burgos, Alexander N

Subject: FW: [External] Sheriffs' Commission Responses to OAH Requests for Changes

From: Miller, Christopher S <christopher.miller@oah.nc.gov>

Sent: Friday, February 20, 2026 10:40 AM

To: Pendergraft, Robin <rpendergraft@ncdoj.gov>

Cc: Rules, Oah <oah.rules@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>

Subject: RE: [External] Sheriffs' Commission Responses to OAH Requests for Changes

Thanks! Sorry to be a stickler on formatting – but one more thing:

1. You cannot change just one part of a word. For example:
 - Wrong: “~~a~~Association”
 - Right: “~~association~~ Association”
2. Treat punctuation as part of a word. For example:
 - Wrong: “day;~~;~~ and”
 - Right: “~~day,~~ day; and”

So, for example, 12 NCAC 10B .0502(a) should look like this:

(a) The basic training course for deputy sheriffs ~~shall consists~~ consist of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function in law enforcement.

Please update accordingly. Then these rules should be good to go for next week’s RRC meeting.

Best,
Chris

Burgos, Alexander N

Subject: FW: [External] Sheriffs' Commission Responses to OAH Requests for Changes

From: Miller, Christopher S <christopher.miller@oah.nc.gov>

Sent: Thursday, February 19, 2026 10:28 AM

To: Pendergraft, Robin <rpendergraft@ncdoj.gov>

Cc: Jones, Sirena C <scjones@ncdoj.gov>; Courts, Ian <lcourts@NCDOJ.GOV>; Rules, Oah <oah.rules@oah.nc.gov>;

Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>

Subject: RE: [External] Sheriffs' Commission Responses to OAH Requests for Changes

Thank you, Robin! Just a few more things. Please see my comments below.

Formatting for All Four Final Rules: The mark-up for changes made since the published version of the proposed rule is still not accurate. As mentioned, our website has guidance on this, at <https://www.oah.nc.gov/rule-format-examples#RuleFormatExamplesforPublicationintheNCAdministrativeCode-6063>, under the section for “Permanent Amendment with changes from publication”. I am copying the guidance here.

Changes shall be identified as follows:

- text that is being added shall be underlined and highlighted. [Example](#)
- existing text that is being deleted shall be struck through and highlighted. [Example](#)
- existing text that was proposed to be deleted but is now being restored shall be highlighted. [Example](#)
- text that was proposed to be added but is now being deleted shall be enclosed in brackets, struck through, and highlighted. [Example](#)

For example, in rule 12 NCAC 10B .2105, paragraph (a) should look like this:

(a) Deputy sheriffs and detention officers who fail to qualify pursuant to Rule .2104 of this Section shall immediately surrender their weapons to the sheriff, [~~or authorized representative~~] or his or her authorized designee upon failure ~~upon his request~~, and shall have 30 days in which to obtain the qualification score required in 12 NCAC 10B .2104.

12 NCAC 10B .2104:

- **(k), line 21:** “off duty” should also be hyphenated here.

12 NCAC 10B .2105:

- **History Note, Authority:** Please add 17E-9 to the History Note.

Thanks,
Chris

Burgos, Alexander N

Subject: FW: [External] Sheriffs' Commission Responses to OAH Requests for Changes
Attachments: SHETS - Request for Changes - 02 2026 Final_CSM.docx; 12 NCAC 10B .0502 Basic LE Training Course Deputies.doc; 12 NCAC 10B .2104 Annual Firearms Qual Specifications (002).docx; 12 NCAC 10B .2105 Failure to Qualify.docx; 12 NCAC 10B .2103 Min Training Req.docx

From: Pendergraft, Robin <rpendergraft@NCDOJ.GOV>
Sent: Wednesday, February 18, 2026 1:19 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Jones, Sirena C <scjones@ncdoj.gov>; Courts, Ian <lcourts@NCDOJ.GOV>; Rules, Oah <oah.rules@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Sheriffs' Commission Responses to OAH Requests for Changes

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

Hi Chris

I believe that I have responded to your additional questions and comments but welcome your careful review.

Robin

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

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

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

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

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

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

Note the following general instructions:

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

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: February 4, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

RULE CITATION: General Comments

DEADLINE FOR RECEIPT: 02/17/2026

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

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

In reviewing this Rule, the staff recommends the following changes be made:

Forms 0400, Box 6: Please provide me with the full URL for the link to the Agency Notice. I am unable to access the hyperlink included on the form. Please also provide me with the date that the posting went live on the NCDOJ website. I found that the link worked for me but I have added the additional URL. <https://ncdoj.gov/law-enforcement-training/sheriffs/all-certification-forms-publications/proposed-rule-amendments/>. The Commission rule was filed with OAH on October 20,2025.

*Introductory Statements, All Rules: All Intro Statements need to be updated for the **final rule** phase and publication in the Code. Please see the examples on OAH's website at <https://www.oah.nc.gov/documents/rules/permanent-adoption-no-change-publication/download?attachment> and <https://www.oah.nc.gov/documents/rules/permanent-amendment-text-added-after-publication/download?attachment>. Please revise accordingly. **Completed.***

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: February 4, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

RULE CITATION: 12 NCAC 10B .0502

DEADLINE FOR RECEIPT: 02/17/2026

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

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

In reviewing this Rule, the staff recommends the following changes be made:

Rule Formatting: *All changes made from the published version of the proposed rule, including those changes made in response to my requests, need to be marked up appropriately in the document (such as with highlighting). Please review the instructions on our website, <https://www.oah.nc.gov/rule-format-examples#RuleFormatExamplesforPublicationintheNCAdministrativeCode-6063>, and update the rule accordingly.*

Line 1, Introductory Statement: Please see comment on "General Comments" page. Please update accordingly. Revised. Completed 2/20/2026

Introductory Statement: *This is an amendment with changes; not an adoption. Please correct this. See the following example: <https://www.oah.nc.gov/documents/rules/permanent-amendment-text-added-after-publication/download?attachment>. Completed.*

(a), line 5: Consider revising this to, "... shall consist of instruction designed to ..." As currently written, this seems to be unnecessary because there is no requirement here. Revised

(a), lines 5-6: Which "skills and knowledge" are you referring to? Is this the list set forth in statute, 17E-4(a)(11)? Something else? The current rule language mirrors the Criminal Justice Commission rule for BLET which was just approved by the RRC. See 12 NCAC 9B .0205(a). If we revise this language then the Sheriffs' Commission rule would become inconsistent with CJ Commission rule. Both Commissions serve law enforcement in the state, and the Legislature has indicated that we should coordinate our rules. Moreover, it is important that the language under both rules remain consistent so as to not cause any ambiguity.

(b), line 8: Is the word "basic" before "curriculum" needed here? Revised

Christopher S. Miller
Commission Counsel

Date submitted to agency: February 4, 2026

(b), lines 8-10: Is this the only way to obtain the manual? *Yes*. Can manuals be requested online? *No*. The files are too large to provide via email. Certified instructors can obtain the manuals via Acadis. Most certification holders have access to or already use Acadis, thus this is not a significant encumbrance to them.

(c), lines 12-13: Please change "Title 12, Subchapter 09B, Section .0200 of the North Carolina Administrative Code [<http://www.ncoah.com/rules/>]" to "12 NCAC 09B .0200". *Revised*. Also, is this the correct citation? *Yes* Aren't the relevant rules actually in Section .0100? Please check and amend it if necessary. *Section .0200 contains the minimum standards for training*.

(c), lines 12-13: Your response states, "Section .0200 contains the minimum standards for training." However, Section .0400 of 12 NCAC 09B is word-for-word titled, "MINIMUM STANDARDS FOR COMPLETION OF TRAINING". This is the exact language also used in your rule. Something is not lining up here. Please confirm that your citation in your rule is accurate. Perhaps line 11 of your rule should state, "Minimum Standards for Criminal Justice Schools and Criminal Justice Training Programs or Courses of Instruction," which is the title of Section .0200. *Have modified the rule to reference Section 400.*

(c), line 18: Add a comma after "Raleigh". *Revised*

History Note, Spacing: Please update this so that the spacing matches the rest of the rule text. *Revised*

History Note, line 25: Change the period after "2018" to a semi-colon. *Revised*

History Note, line 26: Add a period after "2026". *Revised*

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

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

RULE CITATION: 12 NCAC 10B .2103

DEADLINE FOR RECEIPT: 02/17/2026

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

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

In reviewing this Rule, the staff recommends the following changes be made:

Rule Formatting: *All changes made from the published version of the proposed rule, including those changes made in response to my requests, need to be marked up appropriately in the document (such as with highlighting). Please review the instructions on our website, <https://www.oah.nc.gov/rule-format-examples#RuleFormatExamplesforPublicationintheNCAdministrativeCode-6063>, and update the rule accordingly. Completed.*

Line 1, Introductory Statement: Please see comment on "General Comments" page. Please update accordingly. Revised

Introductory Statement: *This is an amendment with changes; not an adoption. Please correct this. See the following example: <https://www.oah.nc.gov/documents/rules/permanent-amendment-text-added-after-publication/download?attachment>. Completed.*

(a), line 4: *Now that paragraph (b) has been deleted, you do not need to denote the first paragraph as (a) since there is only one paragraph in the rule. Please delete "(a)". Completed.*

(a), line 6: Who are "Specialized Firearm Instructors"? Is this term defined or explained elsewhere in your rules? I did not see anything else that uses this terminology. Yes, See 12 NCAC 9B .0226 and Section .0300. The Criminal Justice Commission issues certification for law enforcement training instructors.

Also, add an "s" to the end of "Instructor" in the rule text. Revised

(a)(1), line 7: For consistency, I suggest removing the word "review". Revised

Christopher S. Miller
Commission Counsel

Date submitted to agency: February 4, 2026

(a)(2)(A): Are there specific range “rules and regulations” that you’re referring to here? Be specific, if possible. *Range rules and regulations are set by the individual agency depending on the type and location of the range. There is absolutely no way to write every rule and regulation a range may have in place. The agency only has to cover the rules set for their location. We must remember these are elected Sheriffs who oversee these agencies; thus, they should have as much discretion as possible to set range rules and regulations that serve the community and unique conditions in their communities and the publics they serve.*

(a)(2)(C): What kind of “Malfunctions”? *Firearm malfunctions? This language covers malfunctions which may occur with Firearms or Ammunitions. It would be difficult to list all the various parts of each indivial firearm which can cause a problem.*

(a)(3)(A): Add commas after “breath control” and “trigger press”. *Revised*

(a)(3)(A): *There is still a missing comma after “trigger press”.* *Completed.*

(a)(3)(B): Please replace the slash with “and” or “or”, as appropriate, unless this is a term of art or a title. *“Sight alignment and sight picture” is the correct terminology. Revised.*

(a)(4): “authorized” by who? *This references all weapons the agency has authorized its officers to carry or use. “Authorized weapon” is used by law enforcement interchangeably with “department issued weapon” and “service weapon.” Again, these are Sheriff’s agencies, each agency has different internal guidelines and authorizations so the language “authorized” covers whoever those agencies authorize to so duly act.*

(a)(4): *Thank you for the response. It may be helpful to state “all agency-authorized weapons” in the rule, unless you think this would be problematic. Have incorporated your suggestion.*

~~(b)~~: *Is the Manual being moved elsewhere in your rules? Or is it being entirely removed from the rules? The manuals were never in the rules but were only referenced.*

History Note, Spacing: Please correct the spacing so that it matches up with the rest of the rule text. Revised

History Note, line 26: “Amended Eff. March 1, 2026.” needs to be moved to a new line at the bottom of the History Note. Revised

History Note, line 29: *Make sure the entire History Note is italicized.* *Completed.*

History Note, line 28: Change the period after “2018” to a semi-colon. Revised

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: February 4, 2026

Christopher S. Miller
Commission Counsel
Date submitted to agency: February 4, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

RULE CITATION: 12 NCAC 10B .2104

DEADLINE FOR RECEIPT: 02/17/2026

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

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

In reviewing this Rule, the staff recommends the following changes be made:

General Comment, Final Rule Formatting: It appears that you have made changes from the published version of the Proposed Rule. These changes need to be denoted in the final rule version. Please see formatting examples on OAH's website at <https://www.oah.nc.gov/rule-format-examples>. Please also see 26 NCAC 02C .0405 for guidance.

Rule Formatting: *All changes made from the published version of the proposed rule, including those changes made in response to my requests, need to be marked up appropriately in the document (such as with highlighting). Please review the instructions on our website, <https://www.oah.nc.gov/rule-format-examples#RuleFormatExamplesforPublicationintheNCAdministrativeCode-6063>, and update the rule accordingly. I raised this in my Request for Changes, but you did not respond. **Completed.***

General Comment, Use of Numbers: Please consult the OAH Style Guide for formatting guidance on using numbers in rules. The formatting you use in this rule is not always correct. The Style Guide is available online at <https://www.oah.nc.gov/documents/rules/administrative-rule-style-guide-updated-april-2021/download>. Please update accordingly.

*Line 1, Introductory Statement: Please see comment on "General Comments" page. Please update accordingly. **Revised***

Introductory Statement: *This is an amendment with changes; not an adoption. Please correct this. See the following example: <https://www.oah.nc.gov/documents/rules/permanent-amendment-text-added-after-publication/download?attachment>. **Completed.***

Christopher S. Miller
Commission Counsel

Date submitted to agency: February 4, 2026

General Comment, (a): How is (a) connected to rule paragraphs (b) and (c)? There appears to be some language missing here. Should (a) say something like, "... shall qualify a minimum of once each year with each department-approved handgun **by completing the Qualification courses set forth in Paragraphs (b), (c), and (e) of this Rule.**"? *Revised as suggested. Also, to follow your suggestion in "(f), line 1: Why is "service" handgun used here but deleted in other places in the rules? Is this intentional?" the work "service" in (a) should not have been deleted and I have added it back in. The term throughout should have been consistently service handgun.*

(a), line 6: Should this say "each **calendar** year"? You use "calendar year" in other places in this same rule. *The current rule language "Calendar year" mirrors the Criminal Justice Commission rule for BLET which was just approved by the RRC. See 12 NCAC 9E .0106. If we revise this language then the Sheriffs' Commission rule would become inconsistent with CJ Commission rule. Both Commissions serve law enforcement in the state, and the Legislature has indicated that we should coordinate our rules.*

(a), line 6: *I think you misunderstood my comment. On line 6 of page 1, you state just "year" rather than "calendar year". However, throughout the rest of this rule, requirements are set forth as once per "calendar year." Did you also mean to include the word "calendar" on (a), line 6? If so, please update.* *Completed. Yes, I did misunderstand.*

(a), line 6: Who is the "department" that is approving handguns? *The handgun would be approved by the officer's employing agency. Again, to change this language would be inconsistent with the CJ rules.*

(a), line 8: Instead of "specification," would "Rule" or "requirement" make more sense here? *Revised by deleting "specification" and inserting "rule" as suggested.*

(a), line 9: *Add a space before "rule". Also, please capitalize "rule".* *Completed.*

(a), line 8: You removed the word "service" from (a), line 6. I would suggest removing it here as well for consistency. Unless there is a difference. *Agree. It is clearer to keep the word "service" in both places. Will add back in for (a).*

(b): What is "Day Accuracy Qualification"? Is this defined or explained anywhere? *The reference is to training during the daytime. Again, the current rule language mirrors the Criminal Justice Commission rule for BLET which was just approved by the RRC. See 12 NCAC 9E .0106. If we revise this language then the Sheriffs' Commission rule would become inconsistent with CJ Commission rule. Both Commissions serve law enforcement in the state, and the Legislature has indicated that we should coordinate our rules.*

Christopher S. Miller
Commission Counsel

Date submitted to agency: February 4, 2026

(b): For clarity, consider making each sub-requirement a full sentence. For example, (b)(1) could state, “**A minimum of 30 rounds shall be fired by the officer.**” (b)(2) could state, “Firing **shall take place** from the 3-, 5-, 7-, 10-, 15-, and 25-yard lines **and** shall consist of ...”. (b)(3) could state, “At least two rounds **shall be fired** from each ...”. Etc. *I would submit for your consideration that the fewer words used here will better support clarity because it is easier to read a simple list rather than multiple sentences. Officers must qualify with their service weapon every year and understand they must fire such weapon(s) from various yard lines with different variables. With this list, instructors can easily point out what is required. Additionally, this list was recently approved by the RRC in 12 NCAC 9E .0106.*

(b)(2): Do not use % symbols unless it is a chart or formula. Here, spell out the word “percent”. *See above answer.*

(b)(3): Are the terms “standing,” “kneeling,” and “barricade” defined or explained anywhere? Adding context to the Rule would be helpful, especially if they have special meaning. *These terms are clearly understood and accepted by law enforcement who must be able to fire their weapons from various positions. As such, “standing” means firing from a standing position. “Kneeling” would encompass firing the weapon while on a knee. Barricade has historically meant while an officer takes cover from possible on-coming fire. Additionally, this list was recently approved by the RRC in 12 NCAC 9E .0106.*

(b)(7): What is a “stage”? This term is not used anywhere else. “Stage” references a segment of the accuracy qualification course. Again, this language was recently approved by the RRC in 12 NCAC 9E .0106.

(c), line 30: Remove the space in between “c” and “)”. *Revised*

(c), lines 30-31: What is “Low-Light Accuracy Qualification”? Is this defined or explained anywhere? *See paragraph (j) on page 3.*

(c): All of my requests above related to (b) also apply to (c). Please respond and revise accordingly. **See answers to (b) above.** *I would submit for your consideration that the fewer words used here will better support clarity because it is easier to read a simple list rather than multiple sentences. Officers must qualify with their service weapon every year and understand they must fire such weapon(s) from various yard lines with different variables. With this list, instructors can easily point out what is required. Additionally, this language was recently approved by the RRC in 12 NCAC 9E .0106. In sum, brevity is clarity.*

(c)(8): The word “required” is probably not necessary. *Revised*

(c)(9): What are “blue lights”? Be more specific, if possible. Are these the emergency car lights? The term “blue lights” is defined in G.S. 20-130.1. The use of blue lights in this rule allows officers to be trained to fire weapons under situations while a law enforcement vehicle is flashing its blue lights.

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Commission Counsel

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(d), line 16: Should “low light” be hyphenated here, like it is in (c)? *Revised.*

(e)(1-2): Similar to my comments for (b) and (c), consider re-wording these so that they spell out requirements in full sentences. For example, (e)(1)(A) could state, “At least three decision points shall be included within the course.” *Again, the current rule language mirrors the Criminal Justice Commission rules which were just approved by the RRC. See 12 NCAC 9E .0106. If we revise this language then the Sheriffs’ Commission rule would become inconsistent with CJ Commission rule. Both Commissions serve law enforcement in the state, and the Legislature has indicated that we should coordinate our rules.*

(e)(1)(A): What is a “decision point”? Is this a special term? *It is not defined in these rules. It is a term covered in multiple training manuals, which define it as any point that requires the student to make a decision, such as discriminating between a no shoot and a hostile target, making the decision to shoot or not to shoot, making the decision to use cover or concealment. The term is commonly understood by law enforcement.*

(e)(1)(B): The word “required” is probably not necessary. *We would like to keep that language so as to mirror the Criminal Justice Commission rule and avoid possible confusion by the law enforcement community.*

(e)(1)(C): The word “required” is probably not necessary. Also, how is this articulated? Written? Oral? Both? *The term “articulation” is defined by Meriam-Webster as “to utter sound.” Here the officer will have a weapon in his hand on a firing range and will not be able to write anything. We would like to keep that language so as to mirror the Criminal Justice Commission rule and avoid possible confusion by the law enforcement community.*

(e)(1)(D): What is an “Annual Qualification file”? Is this explained anywhere else? What else goes into the file? *Agencies are required to maintain training records for their officers. See 12 NCAC 10B .2007 and 12 NCAC 10B .2101.*

(e)(2)(A): What is a “decision point”? Is this a special term? *Yes. See above response.*

(e)(2)(B): The word “required” is probably not necessary. *We would like to keep that language so as to mirror the Criminal Justice Commission rule and avoid possible confusion by the law enforcement community.*

(e)(2)(C): The word “required” is probably not necessary. *We would like to keep that language so as to mirror the Criminal Justice Commission rule and avoid possible confusion by the law enforcement community.*

(e)(2)(D): The word “required” is probably not necessary. Also, how is this articulated? Written? Oral? Both? *We would like to keep that language so as to mirror the Criminal*

Christopher S. Miller
Commission Counsel

Date submitted to agency: February 4, 2026

Justice Commission rule and avoid possible confusion by the law enforcement community. Also, see above answer about articulation.

(e)(2)(E): What is an “Annual Qualification file”? Is this explained anywhere else? What else goes into the file? See above answer.

(e)(2)(E), line 37: Remove the comma after “agency”. Revised.

(f), line 1: Change “deputy’s” to “deputy sheriff’s” for consistency with language used earlier in the Rule. Revised.

(f), line 1: Why is “service” handgun used here but deleted in other places in the rules? Is this intentional? Service in (a) should not have been deleted. The term throughout should have been consistently service handgun.

(h), line 8: Doesn’t Paragraph (c) also contain accuracy qualification course requirements? Check to make sure whether this should be updated. Yes, added (c).

(h): Do any of the terms used here need to be hyphenated, such as “lead free” and “ballistic equivalent ammunition” and “point of aim”? Previously the RRC informed the Criminal Justice Commission to remove the hyphens. Again, we are trying to mirror the CJ rules.

(h): *Noted. However, the amended version of 12 NCAC 09E .0106 does appear to hyphenate “ballistic-equivalent” and “lead-free”. Consider doing the same for consistency with the CJETS rule. Completed.*

(i): Are these “specifications” or “requirements” set forth anywhere in your rules? Can you make reference to them? As written, this requirement is rather vague. Also, does this mean that they are not subject to the qualification requirements of this rule? Every manufacturer is different; there is no way to put each within the rule. This rule requires that agencies/officers follow the manufacturers’ specification and certification requirements. Each have their own variations. There is no way for us to regulate every manufacturer’s requirements.

(j): Should “day light” also be defined in the rule, for clarity? The term “day” or “day light” is defined by Merriam-Webster as “the time of light between one night and the next.” Again, we are trying to be consistent with the Criminal Justice Commission rule.

(j), line 15: Capitalize “paragraphs”. Revised.

(j), line 16: The comma after “Rule” is not needed. Revised.

*(j), line 18: Should this say, “... **shall** occur by cutting off ... and **shall not be** defined by a ...”? Your suggestion is appreciated but again, we are trying to be consistent with the Criminal Justice Commission rule. Modifying this as suggested might lead to*

confusion in the required law enforcement training. Again, it is important that the language under both rules remain consistent so as to not cause any ambiguity.

(k), lines 21-22: I think the rule reference here needs to be updated, based on your revisions to this rule. Should this say, "... pursuant to Paragraphs (a) through (e) of this Rule with each handgun ..."? Please look at this and revise as needed. Revised accordingly.

(k): *I note that "off duty" is hyphenated in 12 NCAC 09E .0106. Consider making this change as well. Completed.*

(m): Would this make more sense if it followed directly after (c)? While we are not necessarily opposed to moving this section, we are trying to mirror the Criminal Justice Commission rules which have this equivalent section in about the same location as the Sheriffs' rules. We can review these suggestions when we make changes during the periodic review by both Commissions. This approach would allow for better consistency.

(m): Does this mean you get unlimited attempts, so long as the attempts are spaced out over different days? Yes. Note that until the officer qualifies, his access to his weapon is restricted. Again, the Criminal Justice Commission Rule 9E .0106 uses this language.

(m), line 26: Consider adding "at least" in between "weapon" and "once", if that aligns with your intention. Revised accordingly.

(n), line 29: Change "courses" to "course" or "course's". Revised to state "course."

(n), line 29: *My apologies – the change should have been made to "courses" on the second line of paragraph (n) – not the first line. Please update. I think I made the changes as suggested. The second line references a course and thus should be singular.*

*(p), line 32: I suggest rewording this line to state, "**The following shall apply to** each Day Accuracy Qualification course and Low-Light Accuracy Qualification course." Revised.*

*(p)(1) would be revised to, "**Each course** shall be completed ..." Revised.*

(p)(2): Change "is" to "shall be". Revised

(p)(3), line 36: Change "is" to "shall be". Revised.

(p)(4), line 1: Change "is" to "shall be". Revised.

*(p)(5): Add "**Each course** ..." to the beginning of this requirement. Revised.*

(p)(5): *Also add a period to the end of this. Completed.*

Christopher S. Miller
Commission Counsel

Date submitted to agency: February 4, 2026

(p)(6), line 6: What day is “that day”? Does this mean the same day the course was administered? *Revised to state “the same” day.*

(q): Consider making similar adjustments here as I had suggested above for (p). *Revised.*

As such, (q), line 10, would change to, “**The following shall apply to** each Day Decision ...” *Revised.*

(q)(1) would be revised to, “**Each course** shall be completed ...” *Revised.*

(q)(2): Change “is” to “shall be”. *Revised.*

(q)(3), line 14: Change “is” to “shall be”. *Revised.*

(q)(4), line 16: Change “is” to “shall be”. *Revised.*

(q)(4), line 20: Insert “be” in between “not” and “allowed”. *Completed.*

(q)(5): What day is “that day”? Does this mean the same day the course was administered? *Revised to state “the same day.”*

History Note, line 37: “Amended Eff. March 1, 2026.” needs to be moved to a new line at the bottom of the History Note. *Revised.*

History Note, line 2: Change the period after “2018” to a semi-colon. *Revised.*

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

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

RULE CITATION: 12 NCAC 10B .2105

DEADLINE FOR RECEIPT: 02/17/2026

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

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

In reviewing this Rule, the staff recommends the following changes be made:

Rule Formatting: *All changes made from the published version of the proposed rule, including those changes made in response to my requests, need to be marked up appropriately in the document (such as with highlighting). Please review the instructions on our website, <https://www.oah.nc.gov/rule-format-examples#RuleFormatExamplesforPublicationintheNCAdministrativeCode-6063>, and update the rule accordingly.* *Completed.*

Line 1, Introductory Statement: Please see comment on "General Comments" page. Please update accordingly. *Revised*

Introductory Statement: *This is an amendment with changes; not an adoption. Please correct this. See the following example: <https://www.oah.nc.gov/documents/rules/permanent-amendment-text-added-after-publication/download?attachment>.* *Completed.*

Statutory Authority, (a): Please explain where G.S. 17E-4 or 17E-7 gives authority to the Commission to require officers to "immediately surrender their weapons to the sheriff" upon failure. See G.S. 17E-4(c)(11) and 17E-9.

Statutory Authority, (a): *G.S. 17E-4(c)(11) does not exist. And I'm not sure what you are relying on in 17E-9, which is not included in the Statutory Authority cited in your rule. Are you referring to (a): ... "Any justice officer who ... does not comply with this Chapter or any rules adopted under this Chapter shall not exercise the powers of a justice officer ..."? Yes.* *Please elaborate. This section also goes on to state, "The Commission shall enforce this section by the entry of appropriate orders effective upon service on either the department or the justice officer." I cited the incorrect section, and it should be G.S. 17E-4(a)(11) and have deleted "immediately" and added "upon failure." Does this address your concerns?*

Christopher S. Miller
Commission Counsel

Date submitted to agency: February 4, 2026

I also note that this requirement appears to conflict with your other rule, 12 NCAC 10B .2101, which gives discretion to the Sheriff in prohibiting weapons access following failures to meet the requirements of 10B .2104. The rule states: “may, where the officer fails to qualify with any of the weapons specified in 12 NCAC 10B .2104 prohibit access or possession of such weapon while on duty or when acting in the discharge of that agency's official duties and may deny the officer authorization to carry such weapons concealed when off-duty ...”. We do not believe that this is inconsistent with 12 NCAC 10B .2101. After the officers surrenders the weapon upon failure, the sheriff will then have discretion under 12 NCAC 10B .2101 to return the weapon or keep it.

(a), line 5: Avoid using “immediately” as a time standard – it is viewed by the RRC as being unclear/ambiguous. Instead, be specific about timing requirements, where possible. The current rule language mirrors the Criminal Justice Commission rule for BLET and Annual Training which was just approved by the RRC. See 12 NCAC 9E .0107. If we revise this language, then the Sheriffs’ Commission rule would become inconsistent with CJ Commission rule. Both Commissions serve law enforcement in the state, and the Legislature has indicated that we should coordinate our rules. Moreover, it is important that the language under both rules remain consistent so as to not cause any ambiguity.

(a), line 5: 12 NCAC 09E .0107 does not contain this same language. No where does CJETS’ failure to qualify rule use the word “immediately” or reference weapon surrender. Therefore, there should be no concern over consistency. However, I do see that it has been allowed in some other places in their rules. Regardless, I suggest you consider using something more specific that explains the time period. Have deleted “immediately” and added “upon failure.”

*(a), line 5: Who would serve as an “authorized representative” of the sheriff? Could this be anyone? How does the sheriff “authorize” them? How would the officer know that the person is “authorized” to receive their weapon? **The term “Authorized Representative” is used interchangeably with the term “the sheriff’s designee.” Law enforcement agency heads determine who can in their agency can take certain actions on behalf of the agency. They list that information with the pertinent commission. Additionally, law enforcement organizations are para-military organizations and follow a chain of command hierarchy. The officers clearly know who their superior officers are and will follow lawful commands.** Again, these are Sheriff’s agencies, each agency has different internal guidelines and authorizations so the language “authorized” covers whoever those agencies authorize to so duly act.*

(a), line 5: Noted – thank you. Please change this to “his or her authorized designee” instead of “authorized representative”. This is more consistent with your other rules. You primarily use the term “authorized representative” when discussing the Commission. Completed.

(b), line 7: Change “12 NCAC 10B .2105(a)” to “Paragraph (a) of this Rule”. Revised

Christopher S. Miller
Commission Counsel

Date submitted to agency: February 4, 2026

(d), line 16: “unauthorized” by who? And how does this “unauthorization” differ from a suspension under paragraph (c)? Revised to state “ not previously authorized by the sheriff” and the word “unauthorization” has been removed.

(d), line 16: You are missing the word “authorized” in your revision made on line 16. Completed.

(d), line 17: Change “must” to “shall”. Revised

(d), line 17: Remove the semi-colon after “.2104”. Revised

(d)(2), lines 22-23: What are “all certification files”? How would an officer be able to verify that these files all reflect the same? Or is this part of the documentation that the Commission sends out? Revised to add “Commission” before certification.

History Note, line 29: “Amended Eff. March 1, 2026.” needs to be moved to a new line at the bottom of the History Note. Revised

History Note, line 30: Change the period after “2018” to a semi-colon. Revised

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

1 12 NCAC 10B .2103 is amended with changes as published in 40:10 NCR 817-820 as follows:

2
3 12 NCAC 10B .2103 MINIMUM TRAINING REQUIREMENTS

4 ~~(a) In order to be approved by the Commission, an In-Service Firearms Training and Requalification Program shall~~
5 ~~include in~~ In addition to conducting Annual Firearms Qualification, as prescribed in 12 NCAC 10B .2104,
6 Specialized Firearms Instructors shall provide instruction on the following specified topics:

- 7 (1) Use of Force: ~~review~~ the authority to use deadly force including relevant case law and materials.
8 (2) Safety:
9 (A) Range rules and regulations;
10 (B) Handling of a firearm; and
11 (C) Malfunctions.
12 (3) Review of Basic Marksmanship Fundamentals:
13 (A) Grip, stance, breath control, trigger press, and trigger squeeze reset;
14 (B) Sight ~~and alignment~~ and sight picture; and
15 (C) Nomenclature.
16 (4) Operation and Maintenance of all agency-authorized weapons.

17 ~~(b) The Instructor shall teach the same training objectives for the topical areas listed in this Rule as specified in the~~
18 ~~Specialized Firearms Instructor Training Manual published by the North Carolina Justice Academy which is hereby~~
19 ~~incorporated by reference and shall automatically include any later amendments and editions of the referenced~~
20 ~~materials as the approved source for the above mandated topical areas. Copies of this publication may be obtained~~
21 ~~from the North Carolina Justice Academy, Post Office Drawer 99, Salemburg, North Carolina 28385. There is no~~
22 ~~cost per manual at the time of adoption of this Rule.~~

23
24 *History Note: Authority G.S. 17E-4; 17E-7;*
25 *Eff. January 1, 1989;*
26 *Amended Eff. January 1, 2013; January 1, 1993;*
27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
28 *2018-;*
29 *Amended Eff. March 1, 2026.*

1 12 NCAC 10B. 2104 is amended with changes as published in 40:10 NCR 817-820 as follows:

2
3 **12 NCAC 10B .2104 ~~IN-SERVICE~~ ANNUAL FIREARMS REQUALIFICATION QUALIFICATION**
4 **SPECIFICATIONS**

5 (a) All deputy sheriffs and detention officers who are authorized by the sheriff to carry a handgun shall qualify a
6 minimum of once each calendar year with their each individual and department-approved service handgun by
7 completing the Qualification courses set forth in Paragraphs (b), (c), and (e) of this Rule. The course of fire shall not
8 be less stringent than the "Basic Law Enforcement Training Course" requirements for firearms qualification. For the
9 purpose of this specification, Rule, service handgun shall include any semi-automatic pistol or revolver.

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

- 12 (1) No fewer than thirty (30) rounds
- 13 (2) Firing from the three (3), five (5), seven (7), ten (10), fifteen (15), and twenty-five (25)
14 yard lines shall consist of no more than the following percentage of shots at each yard
15 line:
- 16 (A) 3-yard line: 10%
- 17 (B) 5-yard line: 12%
- 18 (C) 7-yard line: 30%
- 19 (D) 10-yard line: 20%
- 20 (E) 15-yard line: 25%
- 21 (F) 25-yard line: 20%
- 22 (3) Firing at least two rounds from each of the following positions:
- 23 (A) Standing
- 24 (B) Kneeling
- 25 (C) Barricade
- 26 (4) Firing at least two rounds dominant hand only
- 27 (5) Firing at least two rounds support hand only
- 28 (6) Fire after drawing from the holster
- 29 (7) At least one stage that includes a mandatory magazine change

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

- 32 (1) No fewer than thirty (30) rounds
- 33 (2) Firing from the three (3), five (5), seven (7), ten (10), and fifteen (15) yard lines shall
34 consist of no more than the following percentage of shots at each yard line:
- 35 (A) 3-yard line: 13%
- 36 (B) 5-yard line: 26%
- 37 (C) 7-yard line: 24%

1 (D) 10-yard line: 24%

2 (E) 15-yard line: 24%.

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

4 (A) Standing

5 (B) Kneeling

6 (4) Firing at least two rounds dominant hand only

7 (5) Firing at least two rounds support hand only

8 (6) Firing after drawing from the holster

9 (7) At least one stage that includes a mandatory magazine change

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

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

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

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

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

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

18 (1) Day Decision Making Qualification:

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

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

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

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

27 (2) Low-Light Decision Making Qualification:

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

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

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

32 (D) Required articulation by the officer of a minimum of two decisions made during
33 the course.

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

1 (f) If a deputy's sheriff's or detention officer's handgun is replaced with another service handgun of the same make
2 and model, they shall successfully complete the Day Accuracy Qualification with the new service handgun within
3 15 days of issuance.

4 ~~(b)(g)~~ All deputy sheriffs and detention officers who are issued or otherwise authorized by the sheriff to carry use a
5 shotgun, rifle, or automatic weapon shall qualify with each weapon respectively, for both day and low-light use a
6 minimum of at least once each calendar year. The course of fire shall not be less stringent than those set out in the
7 "In Service Firearms Qualification Manual" as published by the North Carolina Justice Academy.

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

12 (i) All deputy sheriffs and detention officers who are issued or authorized to use a less-lethal weapon, that may also
13 be classified as a firearm, shall qualify with each weapon, respectively, in compliance with the manufacturer's
14 specifications or certification requirements.

15 (j) The accuracy qualification and decision making qualification courses required by Paragraphs (a) through (g) and
16 (k) of this Rule shall define low-light for an outdoor range as beginning 30 minutes after sunset, based on the time
17 provided by the U.S. Naval Observatory chart for the date of qualification, specific to the location of the outdoor
18 range. For an indoor range, transition to low-light environment occurs by cutting off the lighting and is not defined
19 by a specific time.

20 ~~(d)(k)~~ All deputy sheriffs and detention officers who are authorized by the sheriff to carry off-duty handguns shall
21 qualify with their off duty handgun a minimum of once each calendar year pursuant to ~~12 NCAC 10B .2103 and~~
22 ~~.2104(a) and (b)~~ Paragraphs (a) through (e) of this Rule with each handgun the officer carries off duty using
23 ammunition approved by the sheriff.

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

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

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

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

33 (p) The following shall apply to each Day Accuracy Qualification course and Low-Light Accuracy Qualification
34 course:

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

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

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

4 (4) No practice shall be allowed once qualification begins. Practice shall not be allowed until after the
5 officer qualifies successfully or the third qualification attempt is completed.

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

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

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

13 (g) The following shall apply to each Day Decision Making Qualification course and Low-Light Decision-
14 Making Qualification course:

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

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

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

20 (4) No practice shall be allowed once qualification begins. Practice shall not be allowed until after the
21 deputy sheriff or detention officer qualifies successfully or the third qualification attempt is
22 completed.

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

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

28 ~~(g) To satisfy the training requirements for all in service firearms requalifications, a deputy sheriff or detention~~
29 ~~officer shall attain a minimum qualification score of 70 percent accuracy with each weapon once in three attempts~~
30 ~~with no more than three attempts on each course of fire per day.~~

31 ~~(h) The "In Service Firearms Qualification Manual" as published by the North Carolina Justice Academy is hereby~~
32 ~~incorporated by reference, and shall automatically include any later amendments or editions of the referenced~~
33 ~~materials to apply as a minimum guide for conducting the annual in service firearms qualification. Copies of the~~
34 ~~publication may be obtained from the North Carolina Justice Academy, Post Office Drawer 99, Salemburg, North~~
35 ~~Carolina 28385. There is no cost per manual at the time of adoption of this Rule.~~

36

37

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

1 12 NCAC 10B .2105 is amended with changes as published in 40:10 NCR 817-820 as follows:

2
3 **12 NCAC 10B .2105 FAILURE TO QUALIFY**

4 (a) Deputy sheriffs and detention officers who fail to qualify pursuant to Rule .2104 of this Section shall
5 ~~immediately~~ surrender their weapons to the sheriff; ~~or his or her authorized designee upon failure upon his request,~~
6 and shall have 30 days in which to obtain the qualification score required in 12 NCAC 10B .2104.

7 (b) Failure to qualify within the time period allowed in ~~12 NCAC 10B .2105(a)~~ Paragraph (a) of this Rule shall
8 result in the summary suspension of the deputy sheriff's or detention officer's certification by the Commission.

9 (c) No deputy sheriff or detention officer summarily suspended under Paragraph (b) of this Rule and in compliance
10 with 12 NCAC 10B .0206(a)(3) may work as a certified justice officer until:

11 (1) the sheriff forwards to the Commission documentary evidence verifying that the officer has complied
12 with the requirements of 12 NCAC 10B .2103 and .2104; and

13 (2) the deputy sheriff or detention officer and the sheriff receive from the Commission documentation that
14 the Commission has terminated the suspension and reinstated the certification to the deputy sheriff or
15 detention officer.

16 (d) Any deputy sheriff or detention officer ~~not~~ previously ~~unauthorized~~ authorized by the sheriff to carry a weapon
17 but whose status changed to "authorized to carry a weapon," ~~must~~ shall comply with the provisions set out in 12
18 NCAC 10B .2103 and .2104; and may not carry a firearm until:

19 (1) the sheriff forwards to the Commission documentary evidence verifying that the officer has complied
20 with the requirements of 12 NCAC 10B .2103 and .2104; and

21 (2) the deputy sheriff or detention officer and the sheriff receive from the Commission documentation that
22 the Commission has amended the officer's status to "authorized to carry a weapon" and all Commission
23 certification files reflect the same.

24
25 *History Note: Authority G.S. 17E-4; 17E-7;*

26 *Eff. January 1, 1989;*

27 *Amended Eff. March 1, 1995; January 1, 1995; January 1, 1993; January 1, 1990;*

28 *Temporary Amendment Eff. March 1, 1998;*

29 *Amended Eff. August 1, 1998;*

30 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;*

31 *Amended Eff. March 1, 2026.*

Burgos, Alexander N

From: Miller, Christopher S
Sent: Tuesday, February 17, 2026 9:43 AM
To: Burgos, Alexander N
Subject: FW: [External] Sheriffs' Commission Responses to OAH Requests for Changes
Attachments: SHETS - Request for Changes - 02 2026 Final.docx; Form 0400 -10B .0502.docx; Form 400 12 NCAC 10B .2103 .docx; Form 0400 12 NCAC 10B .2104 .docx; Form 0400 12 NCAC 10B .2105 .docx; 12 NCAC 10B .0502 Basic LE Training Course Deputies.doc; 12 NCAC 10B .2103 Min Training Req.docx; 12 NCAC 10B .2104 Annual Firearms Qual Specifications (002).docx; 12 NCAC 10B .2105 Failure to Qualify.docx

From: Pendergraft, Robin <rpendergraft@NCDOJ.GOV>
Sent: Monday, February 16, 2026 2:49 PM
To: Rules, Oah <oah.rules@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Jones, Sirena C <scjones@ncdoj.gov>; Courts, Ian <lcourts@NCDOJ.GOV>
Subject: [External] Sheriffs' Commission Responses to OAH Requests for Changes

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

Hello

Please find attached the Sheriffs' Commission's responses to the requests for changes. Please let me know if you have any questions whatsoever. I did add the hyperlink for the rules posting on the Forms 400 as requested and re-typed the rules.

Thank you,
Robin



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

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

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

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

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

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

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

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

Note the following general instructions:

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

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: February 4, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

RULE CITATION: General Comments

DEADLINE FOR RECEIPT: 02/17/2026

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

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

In reviewing this Rule, the staff recommends the following changes be made:

Forms 0400, Box 6: Please provide me with the full URL for the link to the Agency Notice. I am unable to access the hyperlink included on the form. Please also provide me with the date that the posting went live on the NCDOJ website. I found that the link worked for me but I have added the additional URL. <https://ncdoj.gov/law-enforcement-training/sheriffs/all-certification-forms-publications/proposed-rule-amendments/>. The Commission rule was filed with OAH on October 20,2025.

*Introductory Statements, All Rules: All Intro Statements need to be updated for the **final rule** phase and publication in the Code. Please see the examples on OAH's website at <https://www.oah.nc.gov/documents/rules/permanent-adoption-no-change-publication/download?attachment> and <https://www.oah.nc.gov/documents/rules/permanent-amendment-text-added-after-publication/download?attachment>. Please revise accordingly. **Completed.***

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: February 4, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

RULE CITATION: 12 NCAC 10B .0502

DEADLINE FOR RECEIPT: 02/17/2026

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

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

In reviewing this Rule, the staff recommends the following changes be made:

Line 1, Introductory Statement: Please see comment on "General Comments" page. Please update accordingly. Revised

(a), line 5: Consider revising this to, "... shall consist of instruction designed to ..." As currently written, this seems to be unnecessary because there is no requirement here. Revised

(a), lines 5-6: Which "skills and knowledge" are you referring to? Is this the list set forth in statute, 17E-4(a)(11)? Something else? The current rule language mirrors the Criminal Justice Commission rule for BLET which was just approved by the RRC. See 12 NCAC 9B .0205(a). If we revise this language then the Sheriffs' Commission rule would become inconsistent with CJ Commission rule. Both Commissions serve law enforcement in the state, and the Legislature has indicated that we should coordinate our rules. Moreover, it is important that the language under both rules remain consistent so as to not cause any ambiguity.

(b), line 8: Is the word "basic" before "curriculum" needed here? Revised

(b), lines 8-10: Is this the only way to obtain the manual? Yes. Can manuals be requested online? No. The files are too large to provide via email. Certified instructors can obtain the manuals via Acadis. Most certification holders have access to or already use Acadis, thus this is not a significant encumbrance to them.

(c), lines 12-13: Please change "Title 12, Subchapter 09B, Section .0200 of the North Carolina Administrative Code [<http://www.ncoah.com/rules/>]" to "12 NCAC 09B .0200". Revised. Also, is this the correct citation? Yes Aren't the relevant rules actually in Section .0100? Please check and amend it if necessary. Section .0200 contains the minimum standards for training.

(c), line 18: Add a comma after "Raleigh". Revised

Christopher S. Miller
Commission Counsel

Date submitted to agency: February 4, 2026

History Note, Spacing: Please update this so that the spacing matches the rest of the rule text. Revised

History Note, line 25: Change the period after “2018” to a semi-colon. Revised

History Note, line 26: Add a period after “2026”. Revised

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: February 4, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

RULE CITATION: 12 NCAC 10B .2103

DEADLINE FOR RECEIPT: 02/17/2026

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

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

In reviewing this Rule, the staff recommends the following changes be made:

Line 1, Introductory Statement: Please see comment on "General Comments" page. Please update accordingly. Revised

(a), line 6: Who are "Specialized Firearm Instructors"? Is this term defined or explained elsewhere in your rules? I did not see anything else that uses this terminology. Yes, See 12 NCAC 9B .0226 and Section .0300. The Criminal Justice Commission issues certification for law enforcement training instructors.

Also, add an "s" to the end of "Instructor" in the rule text. Revised

(a)(1), line 7: For consistency, I suggest removing the word "review". Revised

(a)(2)(A): Are there specific range "rules and regulations" that you're referring to here? Be specific, if possible. Range rules and regulations are set by the individual agency depending on the type and location of the range. There is absolutely no way to write every rule and regulation a range may have in place. The agency only has to cover the rules set for their location. We must remember these are elected Sheriffs who oversee these agencies; thus, they should have as much discretion as possible to set range rules and regulations that serve the community and unique conditions in their communities and the publics they serve.

(a)(2)(C): What kind of "Malfunctions"? Firearm malfunctions? This language covers malfunctions which may occur with Firearms or Ammunitions. It would be difficult to list all the various parts of each indivual firearm which can cause a problem.

(a)(3)(A): Add commas after "breath control" and "trigger press". Revised

(a)(3)(B): Please replace the slash with "and" or "or", as appropriate, unless this is a term of art or a title. "Sight alignment and sight picture" is the correct terminology. Revised.

Christopher S. Miller
Commission Counsel

Date submitted to agency: February 4, 2026

(a)(4): “authorized” by who? This references all weapons the agency has authorized its officers to carry or use. “Authorized weapon” is used by law enforcement interchangeably with “department issued weapon” and “service weapon.” Again, these are Sheriff’s agencies, each agency has different internal guidelines and authorizations so the language “authorized” covers whoever those agencies authorize to so duly act.

(b): Is the Manual being moved elsewhere in your rules? Or is it being entirely removed from the rules? The manuals were never in the rules but were only referenced.

History Note, Spacing: Please correct the spacing so that it matches up with the rest of the rule text. Revised

History Note, line 26: “Amended Eff. March 1, 2026.” needs to be moved to a new line at the bottom of the History Note. Revised

History Note, line 28: Change the period after “2018” to a semi-colon. Revised

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

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

RULE CITATION: 12 NCAC 10B .2104

DEADLINE FOR RECEIPT: 02/17/2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

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

In reviewing this Rule, the staff recommends the following changes be made:

General Comment, Final Rule Formatting: It appears that you have made changes from the published version of the Proposed Rule. These changes need to be denoted in the final rule version. Please see formatting examples on OAH's website at <https://www.oah.nc.gov/rule-format-examples>. Please also see 26 NCAC 02C .0405 for guidance.

General Comment, Use of Numbers: Please consult the OAH Style Guide for formatting guidance on using numbers in rules. The formatting you use in this rule is not always correct. The Style Guide is available online at <https://www.oah.nc.gov/documents/rules/administrative-rule-style-guide-updated-april-2021/download>. Please update accordingly.

Line 1, Introductory Statement: Please see comment on "General Comments" page. Please update accordingly. Revised

*General Comment, (a): How is (a) connected to rule paragraphs (b) and (c)? There appears to be some language missing here. Should (a) say something like, "... shall qualify a minimum of once each year with each department-approved handgun **by completing the Qualification courses set forth in Paragraphs (b), (c), and (e) of this Rule.**"? Revised as suggested. Also, to follow your suggestion in "(f), line 1: Why is "service" handgun used here but deleted in other places in the rules? Is this intentional?" the work "service" in (a) should not have been deleted and I have added it back in. The term throughout should have been consistently service handgun.*

*(a), line 6: Should this say "each **calendar** year"? You use "calendar year" in other places in this same rule. The current rule language "Calendar year" mirrors the Criminal Justice Commission rule for BLET which was just approved by the RRC. See 12 NCAC 9E .0106. If we revise this language then the Sheriffs' Commission rule would become inconsistent with CJ Commission rule. Both Commissions serve law*

Christopher S. Miller
Commission Counsel

Date submitted to agency: February 4, 2026

enforcement in the state, and the Legislature has indicated that we should coordinate our rules.

(a), line 6: Who is the “department” that is approving handguns? The handgun would be approved by the officer’s employing agency. Again, to change this language would be inconsistent with the CJ rules.

(a), line 8: Instead of “specification,” would “Rule” or “requirement” make more sense here? Revised by deleting “specification” and inserting “rule” as suggested.

(a), line 8: You removed the word “service” from (a), line 6. I would suggest removing it here as well for consistency. Unless there is a difference. Agree. It is clearer to keep the word “service” in both places. Will add back in for (a).

(b): What is “Day Accuracy Qualification”? Is this defined or explained anywhere? The reference is to training during the daytime. Again, the current rule language mirrors the Criminal Justice Commission rule for BLET which was just approved by the RRC. See 12 NCAC 9E .0106. If we revise this language then the Sheriffs’ Commission rule would become inconsistent with CJ Commission rule. Both Commissions serve law enforcement in the state, and the Legislature has indicated that we should coordinate our rules.

*(b): For clarity, consider making each sub-requirement a full sentence. For example, (b)(1) could state, “**A minimum of 30 rounds shall be fired by the officer.**” (b)(2) could state, “Firing **shall take place** from the 3-, 5-, 7-, 10-, 15-, and 25-yard lines **and** shall consist of ...”. (b)(3) could state, “At least two rounds **shall be fired** from each ...”. Etc. I would submit for your consideration that the fewer words used here will better support clarity because it is easier to read a simple list rather than multiple sentences. Officers must qualify with their service weapon every year and understand they must fire such weapon(s) from various yard lines with different variables. With this list, instructors can easily point out what is required. Additionally, this list was recently approved by the RRC in 12 NCAC 9E .0106.*

(b)(2): Do not use % symbols unless it is a chart or formula. Here, spell out the word “percent”. See above answer.

(b)(3): Are the terms “standing,” “kneeling,” and “barricade” defined or explained anywhere? Adding context to the Rule would be helpful, especially if they have special meaning. These terms are clearly understood and accepted by law enforcement who must be able to fire their weapons from various positions. As such, “standing” means firing from a standing position. “Kneeling” would encompass firing the weapon while on a knee. Barricade has historically meant while an officer takes cover from possible on-coming fire. Additionally, this list was recently approved by the RRC in 12 NCAC 9E .0106.

Christopher S. Miller
Commission Counsel

Date submitted to agency: February 4, 2026

(b)(7): What is a “stage”? This term is not used anywhere else. “Stage” references a segment of the accuracy qualification course. Again, this language was recently approved by the RRC in 12 NCAC 9E .0106.

(c), line 30: Remove the space in between “c” and “)”. Revised

(c), lines 30-31: What is “Low-Light Accuracy Qualification”? Is this defined or explained anywhere? See paragraph (j) on page 3.

(c): All of my requests above related to (b) also apply to (c). Please respond and revise accordingly. See answers to (b) above. I would submit for your consideration that the fewer words used here will better support clarity because it is easier to read a simple list rather than multiple sentences. Officers must qualify with their service weapon every year and understand they must fire such weapon(s) from various yard lines with different variables. With this list, instructors can easily point out what is required. Additionally, this language was recently approved by the RRC in 12 NCAC 9E .0106. In sum, brevity is clarity.

(c)(8): The word “required” is probably not necessary. Revised

(c)(9): What are “blue lights”? Be more specific, if possible. Are these the emergency car lights? The term “blue lights” is defined in G.S. 20-130.1. The use of blue lights in this rule allows officers to be trained to fire weapons under situations while a law enforcement vehicle is flashing its blue lights.

(d), line 16: Should “low light” be hyphenated here, like it is in (c)? Revised.

(e)(1-2): Similar to my comments for (b) and (c), consider re-wording these so that they spell out requirements in full sentences. For example, (e)(1)(A) could state, “At least three decision points shall be included within the course.” Again, the current rule language mirrors the Criminal Justice Commission rules which were just approved by the RRC. See 12 NCAC 9E .0106. If we revise this language then the Sheriffs’ Commission rule would become inconsistent with CJ Commission rule. Both Commissions serve law enforcement in the state, and the Legislature has indicated that we should coordinate our rules.

(e)(1)(A): What is a “decision point”? Is this a special term? It is not defined in these rules. It is a term covered in multiple training manuals, which define it as any point that requires the student to make a decision, such as discriminating between a no shoot and a hostile target, making the decision to shoot or not to shoot, making the decision to use cover or concealment. The term is commonly understood by law enforcement.

(e)(1)(B): The word “required” is probably not necessary. We would like to keep that language so as to mirror the Criminal Justice Commission rule and avoid possible confusion by the law enforcement community.

Christopher S. Miller
Commission Counsel

Date submitted to agency: February 4, 2026

(e)(1)(C): The word “required” is probably not necessary. Also, how is this articulated? Written? Oral? Both? The term “articulation” is defined by Meriam-Webster as “to utter sound.” Here the officer will have a weapon in his hand on a firing range and will not be able to write anything. We would like to keep that language so as to mirror the Criminal Justice Commission rule and avoid possible confusion by the law enforcement community.

(e)(1)(D): What is an “Annual Qualification file”? Is this explained anywhere else? What else goes into the file? Agencies are required to maintain training records for their officers. See 12 NCAC 10B .2007 and 12 NCAC 10B .2101.

(e)(2)(A): What is a “decision point”? Is this a special term? Yes. See above response.

(e)(2)(B): The word “required” is probably not necessary. We would like to keep that language so as to mirror the Criminal Justice Commission rule and avoid possible confusion by the law enforcement community.

(e)(2)(C): The word “required” is probably not necessary. We would like to keep that language so as to mirror the Criminal Justice Commission rule and avoid possible confusion by the law enforcement community.

(e)(2)(D): The word “required” is probably not necessary. Also, how is this articulated? Written? Oral? Both? We would like to keep that language so as to mirror the Criminal Justice Commission rule and avoid possible confusion by the law enforcement community. Also, see above answer about articulation.

(e)(2)(E): What is an “Annual Qualification file”? Is this explained anywhere else? What else goes into the file? See above answer.

(e)(2)(E), line 37: Remove the comma after “agency”. Revised.

(f), line 1: Change “deputy’s” to “deputy sheriff’s” for consistency with language used earlier in the Rule. Revised.

(f), line 1: Why is “service” handgun used here but deleted in other places in the rules? Is this intentional? Service in (a) should not have been deleted. The term throughout should have been consistently service handgun.

(h), line 8: Doesn’t Paragraph (c) also contain accuracy qualification course requirements? Check to make sure whether this should be updated. Yes, added (c).

(h): Do any of the terms used here need to be hyphenated, such as “lead free” and “ballistic equivalent ammunition” and “point of aim”? Previously the RRC informed the Criminal Justice Commission to remove the hyphens. Again, we are trying to mirror the CJ rules.

Christopher S. Miller
Commission Counsel

Date submitted to agency: February 4, 2026

(i): Are these “specifications” or “requirements” set forth anywhere in your rules? Can you make reference to them? As written, this requirement is rather vague. Also, does this mean that they are not subject to the qualification requirements of this rule? *Every manufacturer is different; there is no way to put each within the rule. This rule requires that agencies/officers follow the manufacturers’ specification and certification requirements. Each have their own variations. There is no way for us to regulate every manufacturer’s requirements.*

(j): Should “day light” also be defined in the rule, for clarity? *The term “day” or “day light” is defined by Merriam-Webster as “the time of light between one night and the next.” Again, we are trying to be consistent with the Criminal Justice Commission rule.*

(j), line 15: Capitalize “paragraphs”. *Revised.*

(j), line 16: The comma after “Rule” is not needed. *Revised.*

(j), line 18: Should this say, “... **shall** occur by cutting off ... and **shall not be** defined by a ...”? *Your suggestion is appreciated but again, we are trying to be consistent with the Criminal Justice Commission rule. Modifying this as suggested might lead to confusion in the required law enforcement training. Again, it is important that the language under both rules remain consistent so as to not cause any ambiguity.*

(k), lines 21-22: I think the rule reference here needs to be updated, based on your revisions to this rule. Should this say, “... pursuant to Paragraphs (a) through (e) of this Rule with each handgun ...”? Please look at this and revise as needed. *Revised accordingly.*

(m): Would this make more sense if it followed directly after (c)? *While we are not necessarily opposed to moving this section, we are trying to mirror the Criminal Justice Commission rules which have this equivalent section in about the same location as the Sheriffs’ rules. We can review these suggestions when we make changes during the periodic review by both Commissions. This approach would allow for better consistency.*

(m): Does this mean you get unlimited attempts, so long as the attempts are spaced out over different days? *Yes. Note that until the officer qualifies, his access to his weapon is restricted. Again, the Criminal Justice Commission Rule 9E .0106 uses this language.*

(m), line 26: Consider adding “at least” in between “weapon” and “once”, if that aligns with your intention. *Revised accordingly.*

(n), line 29: Change “courses” to “course” or “course’s”. *Revised to state “course.”*

(p), line 32: I suggest rewording this line to state, “**The following shall apply to each Day Accuracy Qualification course and Low-Light Accuracy Qualification course.**” *Revised.*

Christopher S. Miller
Commission Counsel

Date submitted to agency: February 4, 2026

(p)(1) would be revised to, "**Each course** shall be completed ..." *Revised.*

(p)(2): Change "is" to "shall be". *Revised*

(p)(3), line 36: Change "is" to "shall be". *Revised.*

(p)(4), line 1: Change "is" to "shall be". *Revised.*

(p)(5): Add "**Each course** ..." to the beginning of this requirement. *Revised.*

(p)(6), line 6: What day is "that day"? Does this mean the same day the course was administered? *Revised to state "the same" day.*

(q): Consider making similar adjustments here as I had suggested above for (p). *Revised.*

As such, (q), line 10, would change to, "**The following shall apply to** each Day Decision ..." *Revised.*

(q)(1) would be revised to, "**Each course** shall be completed ..." *Revised.*

(q)(2): Change "is" to "shall be". *Revised.*

(q)(3), line 14: Change "is" to "shall be". *Revised.*

(q)(4), line 16: Change "is" to "shall be". *Revised.*

(q)(5): What day is "that day"? Does this mean the same day the course was administered? *Revised to state "the same day."*

History Note, line 37: "Amended Eff. March 1, 2026." needs to be moved to a new line at the bottom of the History Note. *Revised.*

History Note, line 2: Change the period after "2018" to a semi-colon. *Revised.*

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

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

RULE CITATION: 12 NCAC 10B .2105

DEADLINE FOR RECEIPT: 02/17/2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

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

In reviewing this Rule, the staff recommends the following changes be made:

Line 1, Introductory Statement: Please see comment on "General Comments" page. Please update accordingly. Revised

Statutory Authority, (a): Please explain where G.S. 17E-4 or 17E-7 gives authority to the Commission to require officers to "immediately surrender their weapons to the sheriff" upon failure. See G.S. 17E-4(c)(11) and 17E-9.

(a), line 5: Avoid using "immediately" as a time standard – it is viewed by the RRC as being unclear/ambiguous. Instead, be specific about timing requirements, where possible. The current rule language mirrors the Criminal Justice Commission rule for BLET and Annual Training which was just approved by the RRC. See 12 NCAC 9E .0107. If we revise this language, then the Sheriffs' Commission rule would become inconsistent with CJ Commission rule. Both Commissions serve law enforcement in the state, and the Legislature has indicated that we should coordinate our rules. Moreover, it is important that the language under both rules remain consistent so as to not cause any ambiguity.

(a), line 5: Who would serve as an "authorized representative" of the sheriff? Could this be anyone? How does the sheriff "authorize" them? How would the officer know that the person is "authorized" to receive their weapon? The term "Authorized Representative" is used interchangeably with the term "the sheriff's designee." Law enforcement agency heads determine who can in their agency can take certain actions on behalf of the agency. They list that information with the pertinent commission. Additionally, law enforcement organizations are para-military organizations and follow a chain of command hierarchy. The officers clearly know who their superior officers are and will follow lawful commands. Again, these are Sheriff's agencies, each agency has different internal guidelines and authorizations so the language "authorized" covers whoever those agencies authorize to so duly act.

Christopher S. Miller
Commission Counsel

Date submitted to agency: February 4, 2026

(b), line 7: Change “12 NCAC 10B .2105(a)” to “Paragraph (a) of this Rule”. Revised

(d), line 16: “unauthorized” by who? And how does this “unauthorization” differ from a suspension under paragraph (c)? Revised to state “ not previously authorized by the sheriff” and the word “unauthorization” has been removed.

(d), line 17: Change “must” to “shall”. Revised

(d), line 17: Remove the semi-colon after “.2104”. Revised

(d)(2), lines 22-23: What are “all certification files”? How would an officer be able to verify that these files all reflect the same? Or is this part of the documentation that the Commission sends out? Revised to add “Commission” before certification.

History Note, line 29: “Amended Eff. March 1, 2026.” needs to be moved to a new line at the bottom of the History Note. Revised

History Note, line 30: Change the period after “2018” to a semi-colon. Revised

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

1 **12 NCAC 10B .2103 is adopted as published in 40:10 NCR 817-820 as follows:**

2
3 **12 NCAC 10B .2103 MINIMUM TRAINING REQUIREMENTS**

4 (a) ~~In order to be approved by the Commission, an In-Service Firearms Training and Requalification Program shall~~
5 ~~include in~~ In addition to conducting Annual Firearms Qualification, as prescribed in 12 NCAC 10B .2104,
6 Specialized Firearms Instructors shall provide instruction on the following specified topics:

- 7 (1) Use of Force: ~~review~~ the authority to use deadly force including relevant case law and materials.
- 8 (2) Safety:
- 9 (A) Range rules and regulations;
- 10 (B) Handling of a firearm; and
- 11 (C) Malfunctions.
- 12 (3) Review of Basic Marksmanship Fundamentals:
- 13 (A) Grip, stance, breath control, trigger press and trigger squeeze reset;
- 14 (B) Sight ~~and alignment~~ and sight picture; and
- 15 (C) Nomenclature.
- 16 (4) Operation and Maintenance of all authorized weapons.

17 ~~(b) The Instructor shall teach the same training objectives for the topical areas listed in this Rule as specified in the~~
18 ~~Specialized Firearms Instructor Training Manual published by the North Carolina Justice Academy which is hereby~~
19 ~~incorporated by reference and shall automatically include any later amendments and editions of the referenced~~
20 ~~materials as the approved source for the above mandated topical areas. Copies of this publication may be obtained~~
21 ~~from the North Carolina Justice Academy, Post Office Drawer 99, Salemburg, North Carolina 28385. There is no~~
22 ~~cost per manual at the time of adoption of this Rule.~~

23
24 *History Note: Authority G.S. 17E-4; 17E-7;*
25 *Eff. January 1, 1989;*
26 *Amended Eff. January 1, 2013; January 1, 1993;*
27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
28 *2018-;*
29 *Amended Eff. March 1, 2026.*

1 12 NCAC 10B. 2104 is adopted as published in 40:10 NCR 817-820 as follows:

2
3 **12 NCAC 10B .2104 ~~IN-SERVICE~~ ANNUAL FIREARMS REQUALIFICATION QUALIFICATION**
4 **SPECIFICATIONS**

5 (a) All deputy sheriffs and detention officers who are authorized by the sheriff to carry a handgun shall qualify a
6 minimum of once each year with ~~their each individual and~~ department-approved service handgun by completing the
7 Qualification courses set forth in Paragraphs (b), (c), and (e) of this Rule. The course of fire shall not be less
8 stringent than the "Basic Law Enforcement Training Course" requirements for firearms qualification. For the
9 purpose of this ~~specification~~ rule, service handgun shall include any semi-automatic pistol or revolver.

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

- 12 (1) No fewer than thirty (30) rounds
13 (2) Firing from the three (3), five (5), seven (7), ten (10), fifteen (15), and twenty-five (25)
14 yard lines shall consist of no more than the following percentage of shots at each yard
15 line:
16 (A) 3-yard line: 10%
17 (B) 5-yard line: 12%
18 (C) 7-yard line: 30%
19 (D) 10-yard line: 20%
20 (E) 15-yard line: 25%
21 (F) 25-yard line: 20%
22 (3) Firing at least two rounds from each of the following positions:
23 (A) Standing
24 (B) Kneeling
25 (C) Barricade
26 (4) Firing at least two rounds dominant hand only
27 (5) Firing at least two rounds support hand only
28 (6) Fire after drawing from the holster
29 (7) At least one stage that includes a mandatory magazine change

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

- 32 (1) No fewer than thirty (30) rounds
33 (2) Firing from the three (3), five (5), seven (7), ten (10), and fifteen (15) yard lines shall
34 consist of no more than the following percentage of shots at each yard line:
35 (A) 3-yard line: 13%
36 (B) 5-yard line: 26%
37 (C) 7-yard line: 24%

1 (D) 10-yard line: 24%

2 (E) 15-yard line: 24%.

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

4 (A) Standing

5 (B) Kneeling

6 (4) Firing at least two rounds dominant hand only

7 (5) Firing at least two rounds support hand only

8 (6) Firing after drawing from the holster

9 (7) At least one stage that includes a mandatory magazine change

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

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

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

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

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

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

18 (1) Day Decision Making Qualification:

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

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

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

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

27 (2) Low-Light Decision Making Qualification:

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

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

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

32 (D) Required articulation by the officer of a minimum of two decisions made during
33 the course.

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

1 (f) If a deputy's sheriff's or detention officer's handgun is replaced with another service handgun of the same make
2 and model, they shall successfully complete the Day Accuracy Qualification with the new service handgun within
3 15 days of issuance.

4 ~~(b)(g)~~ All deputy sheriffs and detention officers who are issued or otherwise authorized by the sheriff to carry use a
5 shotgun, rifle, or automatic weapon shall qualify with each weapon respectively, for both day and low-light use a
6 minimum of at least once each calendar year. The course of fire shall not be less stringent than those set out in the
7 "In Service Firearms Qualification Manual" as published by the North Carolina Justice Academy.

8 ~~(e)(h)~~ The accuracy Qualifications qualification courses conducted pursuant to required by Paragraphs (a), and (b),
9 and (c) of this Rule shall be completed with duty equipment and duty ammunition or ballistic equivalent ammunition
10 to include including lead free ammunition that meets the same point of aim, point of impact, and felt recoil of the
11 duty ammunition, for all weapons.

12 (i) All deputy sheriffs and detention officers who are issued or authorized to use a less-lethal weapon, that may also
13 be classified as a firearm, shall qualify with each weapon, respectively, in compliance with the manufacturer's
14 specifications or certification requirements.

15 (j) The accuracy qualification and decision making qualification courses required by Paragraphs (a) through (g) and
16 (k) of this Rule shall define low-light for an outdoor range as beginning 30 minutes after sunset, based on the time
17 provided by the U.S. Naval Observatory chart for the date of qualification, specific to the location of the outdoor
18 range. For an indoor range, transition to low-light environment occurs by cutting off the lighting and is not defined
19 by a specific time.

20 ~~(d)(k)~~ All deputy sheriffs and detention officers who are authorized by the sheriff to carry off duty handguns shall
21 qualify with their off duty handgun a minimum of once each calendar year pursuant to ~~12 NCAC 10B .2103 and~~
22 ~~.2104(a) and (b)~~ Paragraphs (a) through (e) of this Rule with each handgun the officer carries off duty using
23 ammunition approved by the sheriff.

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

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

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

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

33 (p) The following shall apply to each Day Accuracy Qualification course and Low-Light Accuracy Qualification
34 course:

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

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

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

4 (4) No practice shall be allowed once qualification begins. Practice shall not be allowed until after the
5 officer qualifies successfully or the third qualification attempt is completed.

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

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

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

13 (g) The following shall apply to each Day Decision Making Qualification course and Low-Light Decision-
14 Making Qualification course:

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

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

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

20 (4) No practice shall be allowed once qualification begins. Practice shall not allowed until after the
21 deputy sheriff or detention officer qualifies successfully or the third qualification attempt is
22 completed.

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

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

28 ~~(g) To satisfy the training requirements for all in service firearms requalifications, a deputy sheriff or detention~~
29 ~~officer shall attain a minimum qualification score of 70 percent accuracy with each weapon once in three attempts~~
30 ~~with no more than three attempts on each course of fire per day.~~

31 ~~(h) The "In Service Firearms Qualification Manual" as published by the North Carolina Justice Academy is hereby~~
32 ~~incorporated by reference, and shall automatically include any later amendments or editions of the referenced~~
33 ~~materials to apply as a minimum guide for conducting the annual in service firearms qualification. Copies of the~~
34 ~~publication may be obtained from the North Carolina Justice Academy, Post Office Drawer 99, Salemburg, North~~
35 ~~Carolina 28385. There is no cost per manual at the time of adoption of this Rule.~~

36

37

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

1 12 NCAC 10B .2105 is adopted as published in 40:10 NCR 817-820 as follows:

2

3 12 NCAC 10B .2105 FAILURE TO QUALIFY

4 (a) Deputy sheriffs and detention officers who fail to qualify pursuant to Rule .2104 of this Section shall
5 immediately surrender their weapons to the sheriff; or authorized representative upon his request, and shall have 30
6 days in which to obtain the qualification score required in 12 NCAC 10B .2104.

7 (b) Failure to qualify within the time period allowed in ~~12 NCAC 10B .2105(a)~~ Paragraph (a) of this Rule shall
8 result in the summary suspension of the deputy sheriff's or detention officer's certification by the Commission.

9 (c) No deputy sheriff or detention officer summarily suspended under Paragraph (b) of this Rule and in compliance
10 with 12 NCAC 10B .0206(a)(3) may work as a certified justice officer until:

11 (1) the sheriff forwards to the Commission documentary evidence verifying that the officer has complied
12 with the requirements of 12 NCAC 10B .2103 and .2104; and

13 (2) the deputy sheriff or detention officer and the sheriff receive from the Commission documentation that
14 the Commission has terminated the suspension and reinstated the certification to the deputy sheriff or
15 detention officer.

16 (d) Any deputy sheriff or detention officer not previously ~~unauthorized by the sheriff~~ to carry a weapon but whose
17 status changed to "authorized to carry a weapon," ~~must shall~~ comply with the provisions set out in 12 NCAC 10B
18 .2103 and .2104; and may not carry a firearm until:

19 (1) the sheriff forwards to the Commission documentary evidence verifying that the officer has complied
20 with the requirements of 12 NCAC 10B .2103 and .2104; and

21 (2) the deputy sheriff or detention officer and the sheriff receive from the Commission documentation that
22 the Commission has amended the officer's status to "authorized to carry a weapon" and all Commission
23 certification files reflect the same.

24

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

26 *Eff. January 1, 1989;*

27 *Amended Eff. March 1, 1995; January 1, 1995; January 1, 1993; January 1, 1990;*

28 *Temporary Amendment Eff. March 1, 1998;*

29 *Amended Eff. August 1, 1998;*

30 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;*

31 *Amended Eff. March 1, 2026.*

SUBMISSION FOR PERMANENT RULE

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Sheriffs' Education and Training Standards Commission	
2. Rule citation & name (name not required for repeal): 12 NCAC 10B .2105 FAILURE TO QUALIFY	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIOIN <input type="checkbox"/> REPEAL through READOPTIOIN	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 11/17/2025 Link to Agency notice: Proposed Rule Amendments - NCDOJ https://ncdoj.gov/law-enforcement-training/sheriffs/all-certification-forms-publications/proposed-rule-amendments/ Hearing on: 12/03/2025 <input checked="" type="checkbox"/> The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: 01/20/2026 <input type="checkbox"/> Notice not required under G.S.:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: This amendment allows the sheriff to designate an authorized representative to obtain the surrendered weapon from an officer who fails to qualify with their handgun.	
10. Rulemaking Coordinator: Robin P. Pendergraft Phone: 919-779-8213 E-Mail: rpendergraft@ncdoj.gov Additional agency contact, if any: Sirena Jones Phone: 919-779-8213 E-Mail: scjones@ncdoj.gov	11. Signature of Agency Head* or Rule-making Coordinator: <i>s// Robin P Pendergraft</i> <hr style="width: 80%; margin-left: 0;"/> By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Robin P. Pendergraft Title: Projects Manager
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Sheriffs' Education and Training Standards Commission	
2. Rule citation & name (name not required for repeal): 12 NCAC 10B .2103 MINIMUM TRAINING REQUIREMENTS	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 11/17/2025 Link to Agency notice: Proposed Rule Amendments - NCDOJ https://ncdoj.gov/law-enforcement-training/sheriffs/all-certification-forms-publications/proposed-rule-amendments/ Hearing on: 12/03/2025 <input checked="" type="checkbox"/> The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: 01/20/2026 <input type="checkbox"/> Notice not required under G.S.:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: This amendment defines the minimum training required for in-service firearms courses, make technical corrections, and deletes adoption by reference to the Specialized Firearms Instructor Training Manual.	
10. Rulemaking Coordinator: Robin P. Pendergraft Phone: 919-779-8213 E-Mail: rpendergraft@ncdoj.gov Additional agency contact, if any: Sirena Jones Phone: 919-779-8213 E-Mail: scjones@ncdoj.gov	11. Signature of Agency Head* or Rule-making Coordinator: s// <i>Robin P Pendergraft</i> _____ By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Robin P. Pendergraft Title: Projects Manager
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE

Burgos, Alexander N

From: Pendergraft, Robin <rpendergraft@NCDOJ.GOV>
Sent: Wednesday, February 4, 2026 10:33 AM
To: Miller, Christopher S; Jones, Sirena C
Cc: Burgos, Alexander N
Subject: [External] RE: ShETS - Rules for February 2026 RRC Meeting

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I will review and get back to you!

Thanks

Robin

From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Wednesday, February 4, 2026 10:19 AM
To: Pendergraft, Robin <rpendergraft@NCDOJ.GOV>; Jones, Sirena <Scjones@ncdoj.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: ShETS - Rules for February 2026 RRC Meeting

Some people who received this message don't often get email from christopher.miller@oah.nc.gov. [Learn why this is important](#)

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

Good morning,

I'm the attorney who reviewed the four Rules submitted by the SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION for the February 2026 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, February 26, 2026, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Attached is my initial Request for Changes Pursuant to G.S. 150B-21.10. Please submit your responses and the revised Rules to me via email, no later than 5 p.m. on **February 17, 2026**.

Please let me know if you have any questions or concerns.

Regards,

Chris Miller

Rules Review Commission Counsel
North Carolina Office of Administrative Hearings | Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
(984) 236-1935

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