

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:**
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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:

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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:

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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 (c) 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.*