

SUBCHAPTER 09H - QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS

SECTION .0100 - FIREARMS QUALIFICATION CERTIFICATION PROGRAM

12 NCAC 09H .0101 PURPOSE

The Commission hereby establishes rules to allow for the firearms qualification certification of qualified retired law enforcement officers, as defined in G.S. 14-415.10, who are authorized by federal law, Section 926C of Title 18 of the United States Code, to lawfully carry handguns concealed. The rules in this Section establish the method by which a qualified retired officer shall be tested to determine whether the officer meets the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm. The rules in this Section do not apply to qualified retired law enforcement officers who complete the required training and firearms qualification with the agency from which they retired.

History Note: Authority G.S. 17C-6; 14-415.10; 14-415.25; 14-415.26; Eff. April 1, 2009; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

12 NCAC 09H .0102 MINIMUM TRAINING SPECIFICATIONS

- (a) Firearms Training and Qualification shall consist of a minimum of four hours and include the requirements of Paragraphs (c), (d) and (e) of this Rule.
- (b) Each qualified retired law enforcement officer shall qualify with each handgun he or she carries in accordance with the guidelines in the In-Service Firearms Qualification Manual as published by the North Carolina Justice Academy relating to rounds fired, distances, the ratio of shots fired from each yard line and positions of fire.
- (c) Qualification shall include a day and night qualification course with each handgun he or she carries, and a single day and night combat course with one handgun that he or she carries.
- (d) Each qualified retired law enforcement officer shall receive a minimum of two hours of instruction on the North Carolina laws of self-defense, the use of force by private citizens, detention of persons by private persons, and assistance to law enforcement officers by private citizens.
- (e) Instruction shall include a review of firearms safety and basic marksmanship fundamentals.
- (f) The qualification requirements shall be achieved at least once in a single day in no more than three attempts per day for each course of fire and for each weapon for which qualification is required. Officers not qualifying in a single day for each course of fire shall be deemed as a failure and the retired qualified law enforcement officers shall not be allowed to carry that weapon until such time as the qualification requirements have been met.
- (g) Qualified retired law enforcement officers shall be certified for a period of 12 months from the date the application is approved by the Commission. Upon application for renewal, the certification shall be renewed by the Commission for 12-month periods provided the qualified retired law enforcement officer meets the rules specified in this Subchapter.

History Note: Authority G.S. 14-415.10; 14-415.25; 14.415.26; 17C-6; Eff. May 1, 2009; Amended Eff. April 1, 2017; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. July 1, 2020.

12 NCAC 09H .0103 INSTRUCTORS

- (a) Only instructors who hold Specialized Instructor Certification in Firearms issued by the Criminal Justice Education and Training Standards Commission as outlined in Rules 09B .0302 and 09B .0304 may conduct the firearms qualification training as specified in Rule 09H .0102.
- (b) Each instructor specified in Paragraph (a) of this Rule shall record and retain the firearms qualification scores for each qualified retired law enforcement officer trained by the instructor for a period of five years. These scores shall not be transmitted to the Criminal Justice Standards Division unless requested but must be available for inspection by Criminal Justice Standards Division representatives at reasonable times. If the instructor is conducting training on behalf of a North Carolina, governmental law enforcement agency, the North Carolina Justice Academy,

or a North Carolina Community College, the institution shall maintain the records in lieu of the instructor in order to comply with this Rule.

(c) Upon successful qualification, the instructor shall sign and date the Retired Law Enforcement Officers Firearms Qualification Certification Application Form (F-9R) attesting to the successful qualification.

*History Note: Authority G.S. 17C-6; 14-415.10; 14-415.25; 14-415.26;
Eff. April 1, 2009;
Amended Eff. December 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

12 NCAC 09H .0104 SANCTIONS

(a) The Commission shall deny or revoke the applicant for firearms qualification certification or the qualified retired law enforcement officer's firearms qualification certification when the Commission finds the applicant or retired officer has willfully and intentionally falsified any application or documentation required for qualification certification. Any applicant or qualified retired law enforcement officer denied or revoked may request an administrative hearing with the Commission subsequent to the summary denial or revocation in accordance with G.S. Chapter 150B, Article 3A.

(b) The Commission may deny or suspend the applicant or retired law enforcement officer's firearms qualification certification when the Commission finds the applicant or retired officer:

- (1) has failed to successfully complete the required training or qualification specified in Rule 09H .0102; or
- (2) is ineligible to receive and possess firearms under federal or state law.

(c) Before taking action, the Standards Division shall investigate the alleged violation of Paragraph (b) of this Rule and present a report of its findings to the Probable Cause Committee of the Commission.

(d) The Probable Cause Committee may:

- (1) direct the Standards Division to conduct a further investigation of the alleged violation;
- (2) direct the Standards Division to conduct an administrative hearing in the matter, pursuant to 12 NCAC 09A .0107 and 26 NCAC 03; or
- (3) determine the appropriate sanctions against the violator pursuant to Paragraphs (f) and (g) of this Rule.

(e) Denials or revocations in accordance with Paragraph (a) of this Rule are permanent. The retired officer is ineligible to ever receive firearms qualification certification from the Commission.

(f) Denials or suspensions in accordance with Paragraph (b) of this Rule are:

- (1) until the applicant or retired officer has successfully completed the required training or qualification specified in Rule 09H .0102; or
- (2) until the applicant or retired officer is eligible to receive or possess firearms under federal or state law.

(g) Any applicant or qualified retired law enforcement officer who receives firearms qualification certification under the rules in this Section who becomes ineligible under any of the standards enumerated in this Rule shall notify the Criminal Justice Standards Division of such disqualification within 10 calendar days of the occurrence of the event.

*History Note: Authority G.S. 17C-6; 14-415.10; 14-415.25; 14-415.26;
Eff. April 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

12 NCAC 09H .0105 FILING AND FEES

Each applicant for firearms qualification certification under the Qualified Retired Law Enforcement Officers Firearms Qualification Certification Program shall submit the following to the Commission:

- (1) a Commission application form (Form F-9R) containing the applicant's notarized signature which attests that the applicant meets the definition of qualified retired law enforcement officer set forth in G.S. 14-415.10 and is eligible to receive or possess firearms under federal and state law. The Form F-9R, available on the agency's website at <http://www.ncdoj.gov/getdoc/23af3614-2aa2-4416-bbae-25cbe9441e06/1F-9R-8-09.aspx>, shall include the signature of a Commission certified

Specialized Firearms Instructor attesting that the applicant has met the training and qualification standards as specified in Rule 09H .0102 and lists the handguns with which the qualified retired officer qualified;

- (2) a copy of the qualified retired officer's photographic identification indicating retirement status issued by the law enforcement agency from which the applicant retired; and
- (3) a fee of fifty dollars (\$50.00) for the initial one-year qualification and a fee of twenty-five dollars (\$25.00) for the annual renewal thereafter. Applications and fees shall be submitted to:

Criminal Justice Standards Division
North Carolina Department of Justice
Post Office Drawer 149
Raleigh, NC 27602.

All fees shall be paid by certified check or money order made payable to the North Carolina Department of Justice.

History Note: Authority G.S. 14-415.10; 14-415.25; 14-415.26; 17C-6;
Eff. April 1, 2009;
Amended Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.