

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 978
House Committee Substitute Favorable 7/8/09
House Committee Substitute #2 Favorable 7/28/09

Short Title: Firearms Qualify Sites/Expand Commsn. Powers.

(Public)

Sponsors:

Referred to:

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION TO COORDINATE WITH LOCAL AND STATE LAW ENFORCEMENT OFFICERS AND WITH THE COMMUNITY COLLEGE SYSTEM TO PROVIDE MULTIPLE FIREARMS QUALIFICATION SITES FOR CERTIFICATION TO CARRY A CONCEALED HANDGUN PURSUANT TO FEDERAL LAW, AND TO EXPAND THE POWERS OF THE COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-415.26 is amended by adding a new subsection to read:

"(b1) The Commission shall coordinate with local and State law enforcement officers and with the community college system to provide multiple firearms qualification sites throughout the State where a qualified retired law enforcement officer may satisfy the firearms qualification criteria required for certification under this section."

SECTION 2. G.S. 17C-6(a) reads as rewritten:

"(a) In addition to powers conferred upon the Commission elsewhere in this Chapter, the Commission shall have the following powers, which shall be enforceable through its rules and regulations, certification procedures, or the provisions of G.S. 17C-10:

- (1) Promulgate rules and regulations for the administration of this Chapter, which rules may require (i) the submission by any criminal justice agency of information with respect to the employment, education, retention, and training of its criminal justice officers, and (ii) the submission by any criminal justice training school of information with respect to its criminal justice training programs that are required by this Chapter.
- (2) Establish minimum educational and training standards that must be met in order to qualify for entry level employment and retention as a criminal justice officer in temporary or probationary status or in a permanent position. The standards for entry level employment shall include education and training in response to, and investigation of, domestic violence cases, as well as training in investigation for evidence-based prosecutions.
- (3) Certify and ~~re-certify, recertify, suspend, revoke, or deny~~, pursuant to the standards that it has established for the purpose, persons as qualified under the provisions of this Chapter to be employed at entry level and retained as criminal justice officers.
- (4) Establish minimum standards for the certification of criminal justice training schools and programs or courses of instruction that are required by this Chapter.



- 1 (5) Certify and ~~recertify~~, recertify, suspend, revoke, or deny, pursuant to the
2 standards that it has established for the purpose, criminal justice training
3 schools and programs or courses of instruction that are required by this
4 Chapter.
- 5 (6) Establish minimum standards and levels of education and experience for all
6 criminal justice instructors and school directors who participate in programs
7 or courses of instruction that are required by this Chapter.
- 8 (7) Certify and ~~recertify~~, recertify, suspend, revoke, or deny, pursuant to the
9 standards that it has established for the purpose, criminal justice instructors
10 and school directors who participate in programs or courses of instruction
11 that are required by this Chapter.
- 12 (8) Investigate and make such evaluations as may be necessary to determine if
13 criminal justice agencies, schools, and individuals are complying with the
14 provisions of this Chapter.
- 15 (9) Adopt and amend bylaws, consistent with law, for its internal management
16 and control.
- 17 (10) Enter into contracts incident to the administration of its authority pursuant to
18 this Chapter.
- 19 (11) Establish minimum standards and levels of training for certification and
20 periodic recertification of operators of and instructors for training programs
21 in radio microwave, laser, and other electronic speed-measuring instruments.
- 22 (12) Certify and ~~recertify~~, recertify, suspend, revoke, or deny, pursuant to the
23 standards that it has established, operators and instructors for training
24 programs for each approved type of radio microwave, laser, and other
25 electronic speed-measuring instruments.
- 26 (13) In conjunction with the Secretary of Crime Control and Public Safety,
27 approve use of specific models and types of radio microwave, laser, and
28 other speed-measuring instruments and establish the procedures for
29 operation of each approved instrument and standards for calibration and
30 testing for accuracy of each approved instrument.
- 31 (13a) Expired effective September 30, 2007. See note.
- 32 (14) Establish minimum standards for in-service training for criminal justice
33 officers. In-service training standards shall include training in response to,
34 and investigation of, domestic violence cases, as well as training
35 investigation for evidence-based prosecutions.
- 36 (15) Establish minimum standards and levels of training for certification of
37 instructors for the domestic violence training required by subdivisions (2)
38 and (14) of this subsection.
- 39 (16) Establish standards and guidelines for the annual firearms certification of
40 qualified retired law enforcement officers, as defined in G.S. 14-415.10(4a),
41 to efficiently implement the provisions of G.S. 14-415.25. The standards
42 shall provide for the courses, qualifications, and the issuance of the annual
43 firearms qualification certification. The Commission may adopt any rules
44 necessary to effect the provisions of this section, and may charge a
45 reasonable fee to applicants for the costs incurred in compliance with this
46 subdivision."

47 **SECTION 3.** G.S. 17C-11 is amended by adding a new subsection to read:

48 "**§ 17C-11. Compliance; enforcement.**

49 (a) Any criminal justice officer who the Commission determines does not comply with
50 this Chapter or any rules adopted under this Chapter shall not exercise the powers of a criminal
51 justice officer and shall not exercise the power of arrest unless the Commission waives that

1 certification or deficiency. The Commission shall enforce this section by the entry of
2 appropriate orders effective upon service on either the criminal justice agency or the criminal
3 justice officer.

4 (a1) Any criminal justice training school, program, or course of instruction that the
5 Commission determines does not comply with this Chapter, or any rules adopted under this
6 Chapter, shall not continue to offer programs or courses of instruction unless the Commission
7 waives that certification or deficiency. Any criminal justice instructor, school director,
8 commission certified operator, and any commission certified instructor, who the Commission
9 determines does not comply with this Chapter, or any rules adopted under this Chapter, shall
10 not act as an instructor, school director, or operator unless the Commission waives that
11 certification or deficiency. The Commission shall enforce this section by the entry of
12 appropriate orders effective upon service on the criminal justice training school or the
13 individual holding commission certification.

14 (b) Any person who desires to appeal the proposed denial, suspension, or revocation of
15 any certification authorized to be issued by the Commission shall file a written appeal with the
16 Commission not later than 30 days following notice of denial, suspension, or revocation.

17 (c) The Commission may appear in its own name and apply to courts having
18 jurisdiction for injunctions to prevent violations of this Chapter or of rules issued pursuant
19 thereto; specifically, the performance of criminal justice officer functions by officers or
20 individuals who are not in compliance with the standards and requirements of G.S. 17C-6(a)
21 and G.S. 17C-10. A single act of performance of a criminal justice officer function by an
22 officer or individual who is performing such function in violation of this Chapter is sufficient,
23 if shown, to invoke the injunctive relief of this section."

24 **SECTION 4.** This act is effective when it becomes law.