



**NORTH CAROLINA DEPARTMENT OF JUSTICE
CRIMINAL JUSTICE STANDARDS DIVISION**

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CCH Rule-Making Process as Requested by CJ Standards

BACKGROUND

The North Carolina Criminal Justice Standards Division (Division) is responsible for administering the rules and regulations concerning the programs for Carrying a Concealed Handgun (CCH). The first rules were established in 1995 through legislation contained in NCGS 14-415, as indicated below.

Under North Carolina General Statute 14-415.11(a), “Any person who has a concealed handgun permit may carry a concealed handgun unless otherwise specifically prohibited by law.” Further, “The sheriff shall issue a permit to carry a concealed handgun to a person who qualifies for a permit under G.S. 14-415.12.” Under that provision:

The sheriff shall issue a permit to an applicant if the applicant qualifies under the following criteria:

- 1) The applicant is a citizen of the United States or has been lawfully admitted for permanent residence as defined in 8 U.S.C. § 1101(a)(20), and has been a resident of the State 30 days or longer immediately preceding the filing of the application.
- 2) The applicant is 21 years of age or older.
- 3) The applicant does not suffer from a physical or mental infirmity that prevents the safe handling of a handgun.
- 4) The applicant has successfully completed an approved firearms safety and training course which involves the actual firing of handguns and instruction in the laws of this State governing the carrying of a concealed handgun and the use of deadly force. **The North Carolina Criminal Justice Education and Training Standards Commission shall prepare and publish general guidelines for courses and qualifications of instructors which would satisfy the requirements of this subdivision...**NCGS 14-415.12 (emphasis added; remainder omitted).

Pursuant to this legislation, the North Carolina Criminal Justice Education and Training Standards Commission (Commission) established rules in 12 NCAC 09F regarding the process. The rules require an 8-hour class with specified content and successfully hitting the target 70% of the time on a 30-round course of fire from the 3, 5, and 7-yard lines.

The Commission and Division have successfully managed this program for 28 years, making appropriate and incremental changes to the requirements with input from the field and proper rule-making processes as articulated in NCGS 150B-2.

During the Commission meeting on August 11, 2022, the Commission gave direction to Division staff to start the rule-making process to consider further modifying the rules based on current trends of violations and enforcement of the rules. The primary drivers for this direction were:

- 1) The Cianci Glaspie Jr. case was heard in Final Agency Decision on August 11, 2022. This case was based on complaints from the field filed by other CCH instructors that Mr. Glaspie was advertising classes at less than 8 hours as required by law and was not following protocol when teaching. A Division staff member attended his class on March 27, 2021, and found that Mr. Glaspie was providing content not included in the rules, was perhaps not teaching the full 8 hours, and perhaps did not fully understand the rules and regulations. **He was apparently not teaching from an approved outline (the Red Book).** The Division attempted to investigate further by interviewing students in the class. Mr. Glaspie indicated there were approximately 16 students who signed up online. He had no record of any names and had no contact information for any of them. He had presumably issued them numbered certificates of completion as indicated in the rules and had taken payment of the class, but could not provide any names. The Final Agency Decision by the Commission found insufficient evidence to revoke his certification given the rules lacked the specificity needed.
- 2) **One instructor was alleged to be selling course completion certificates out of a local gun store.** This complaint was filed by other reputable CCH instructors. A field representative spoke with him at the store. Without identifying himself as a representative of the Division, the instructor explained there were two options. He could take the regular 8-hour class that was boring and covered the content of the instruction book, or he could get the “crash course” and pay \$100 for the certificate without any other effort. He offered to backdate the certificate to his last class instructed, saying that the class had nearly 35 people in it and nobody would remember if he was there or not. The SBI criminal investigation failed to produce a criminal charge after the subject changed his operations to more closely conform to Commission Rules.
- 3) We have had an issue or issues with instructors who attempt to host a virtual CCH Class. This might include instructors who were in state and qualified, but then

move out of state and attempt to continue to instruct virtually. One example included **allowing the students to “self-report” their scores at range practice after the online portion of the virtual class.**

- 4) **In January, a law enforcement agency reported that a CCH instructor was teaching a CCH class under the influence of alcohol.** During the investigation running from January to May 2022, the Division requested rosters of students who may be witnesses to the alleged conduct. The instructor failed to respond and did not convey any roster information to the Division investigator. During one contact with law enforcement, the instructor took a PBT alcohol screening test and registered a .19 percent blood alcohol content. As there is no current rule for personal conduct, he was admonished. This instructor is not a sworn officer.
- 5) **Instructors who allegedly concluded class early and/or do not conduct any firearms qualification in conjunction with the course.** As the Division investigates this type of case, we have had limited success with interviews after names are obtained from the local Sheriff’s Office. This can be effective to a point, but a full list of students would allow for an objective and comprehensive investigation
- 6) **Citizens with a partially completed certificate of completion.** The rules require the instructor to affix the student’s name at the time of the class and not hand out a “blank” certificate. We have conducted investigations where the instructor might sign the certificate, but not affix the student’s name. This would make the document suitable for sale to another individual who has not completed the proper course.

REQUESTED RULES

During the February 24, 2023, Commission Meeting, the following motion was made and approved:

MOTION was made by Chair Leslie Cooley Dismukes that the Commission grant rulemaking authority to the Committee regarding the rules affecting CCH. The MOTION was seconded by Commissioner Estella Patterson. The MOTION carried unanimously.*

*The actual motion is part of the permanent record and published on the DOJ website.

Prior to this action, the Planning and Standards Committee addressed these rules in open session during their meeting on Wednesday, February 22, 2023:

12 NCAC 09F.0103-Approval of Courses

The Committee considered this new rule in order to mandate that Carry Concealed Handgun (CCH) courses be held in person. A Motion to mandate that CCH courses be held in person was made by Commissioner Estella Patterson, seconded by Commissioner Billy Gartin. Motion carried.

12 NCAC 09F.0104-Instructor Qualifications

The Committee considered this new rule in order to bring it into compliance with the amended statute. The US Concealed Carry Association was added per statute and the Private Protective Services Board was removed because they were not in the statute. A Motion to bring this new rule into compliance with the amended statute was made by Commissioner Jeff Welty, seconded by Commissioner Robert Hassell. Motion carried.

12 NCAC 09F.0105-Instructor Responsibilities

The Committee considered this new rule to better regulate CCH instructors. A Motion to better regulate CCH instructors was made by Commissioner Billy Gartin, and seconded by Commissioner Robert Hassell. Motion carried.

12 NCAC 09F.0106-Sanctions

The Committee considered this new rule in order to create sanctions for failure to comply with 09F.0105. The Committee reviewed and determined that this was actually already covered by subsection (2) of the rule. The Committee took no action on this rule.

The requested rules are all based on protecting the integrity of Commission Courses, consistent delivery practices, public safety, and the Division's ability to audit delivery to ensure compliance. With respect to the individual rules proposed:

- 12 NCAC 09F .0103 *requests a change to specify that course cannot be taught virtually.* This corrects the case this year where an instructor in Texas did just this. He instructed a virtual class and there was no range time or qualification.
- 12 NCAC 09F .0104 *includes language allowing an instructor to be certified by the USSCA and complies with legislation.*
- 12 NCAC 09F .0105 adds content for subsections, 9 to 13 as follows:
 - A proper stand-off distance was added for the use of steel targets. *This is an industry standard for safety and some instructors were allowing students to shoot steel targets at an unsafe distance.*
 - Add the requirement for a “pre-delivery report.” This simple, one-page fill-in-the-blank form will allow the Division to know in advance where a class will be held *so Division staff can attend to audit the delivery of the course.*
 - Add the requirement for a “post-delivery report.” *This is common practice for all commission courses for accountability.*
 - Add the requirement to maintain a roster. In this case, we have modified the requirement that the roster is not sent to the division, but rather maintained by the instructor. This is in deference to the fact they are names associated with firearms

and the Division does not want to possess these records. *To investigate instructor misconduct, we must be able to contact the students after a class* to determine if the students were instructed for the required 8 hours, actually shot their guns, or if the instructor was impaired by alcohol or drugs during class.

- Require the dissemination of course content. *Having discovered that some instructors were not passing out educational materials to the class, this requirement was added.*

In drafting the rules listed above, Division staff took into consideration the failure points and prior violations as investigated. Staff discussed potential rules with certified CCH instructors and promulgated the best rules possible at the time. The proposed 30-Day Pre-Delivery requirement is consistent with the Pre-Delivery dates for all of the other Commission Courses such as the Basic Law Enforcement Training Curriculum, the Correctional Officers Basic Course, etc. It is certainly possible for this requirement to be reduced from 30 days to 10 days based on input from the field. The requirement is in place so that staff can predict and allocate responsibility for the various field representatives to be able to locate and conduct a meaningful audit of a class in progress.

In the same light, we have requested the “estimated number of students” so that an appropriate number of staff can be assigned to an audit. If there are 5 people in a class, one staff member would be assigned but if there are 50 people in a class, additional staff members may be assigned.

As we learned in the Glaspie case, having access to a roster with names and contact numbers is also vital to our ability to evaluate the conduct of instructors at various classes. With other programs, the Post-Delivery reports contain all of the students and all of the instructors involved. With respect to CCH, we very specifically determined that the roster should be maintained by the instructor and not held on file in Division offices. Regardless, any records obtained by the Division are training records (personnel records) and not subject to public inspection.

PUBLIC HEARING

The public hearing, as part of the Planning and Standards Committee, is scheduled for 10:00 am on Wednesday, August 9th, 2023 at Wake Technical Community College, Public Safety Training Center, located at 321 Chapanoke Road, Raleigh, NC 27502

The full Commission Meeting is scheduled for 9:00 am on Friday, August 11th, 2023 at the same location.

QUESTIONS

Director Jeffrey Smythe can be contacted at jsmythe@ncdoj.gov or at 919-779-8203.