

CHAPTER 109-02-03
MINIMUM STANDARDS OF TRAINING PRIOR TO CARRYING A WEAPON

Section

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109-02-03-01. Sidearm authorization and qualification.

A peace officer may not carry a sidearm in the course of employment or in the performance of official duties unless the officer has successfully completed the sidearm qualification requirements and the board has issued a peace officer license or limited license. Sidearm qualification requires completion of a weapons safety and proficiency test approved by the board.

History: Effective October 1, 2004.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-04(1)(d)

109-02-03-02. Use of force examination and weapons safety and proficiency examination.

The board shall establish and certify a weapons safety and proficiency qualification examination, including:

1. A written examination covering criminal and civil liability and North Dakota law on the use of force. A score of one hundred percent is necessary for successful completion of the written examination.
2. A certified sidearm shooting course using the peace officer's duty weapon, duty equipment, and duty ammunition or ammunition ballistically similar to the ammunition the peace officer carries on duty. Successful completion of the weapons safety and proficiency portion of the qualification examination requires a minimum score of seventy percent and the demonstration of competence in sidearm skills, including the safe handling, loading, and unloading of the sidearm, as determined by a certified weapons instructor.
3. A peace officer may not take the written examination or sidearm qualification test more than three times in any twelve-month period. After the third unsuccessful attempt, the peace officer must wait one year before retaking the examination or sidearm qualification test.
4. Only a certified weapons instructor may administer the weapons safety and proficiency, North Dakota law, and use of force examination or sidearm qualification.

History: Effective October 1, 2004; amended effective July 1, 2006; April 1, 2014.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-04

109-02-03-03. Shotgun, rifle, and special weapons certification.

Repealed effective April 1, 2014.

109-02-03-04. Sidearm qualification required annually.

Every peace officer shall qualify with the peace officer's duty weapon each year as a license requirement.

1. Sidearm qualification requires successful completion of a certified shooting course at least once during each calendar year. If a peace officer fails to qualify by the end of the calendar year, the peace officer may not carry a duty weapon until the officer successfully completes the sidearm qualification and pays the late sidearm qualification fee required under these rules.
2. For peace officers employed by an agency who are not required to carry a sidearm in the performance of their duties, the peace officer's agency may apply to the board for a waiver of the sidearm qualification requirements.
3. Peace officers who have not successfully completed the annual sidearm qualification requirements for two consecutive years shall successfully complete both the written examination and a certified shooting course as a condition of licensing, license renewal, or license reinstatement. The peace officer shall also pay the sidearm qualification reinstatement fee required under these rules.

History: Effective October 1, 2004; amended effective April 1, 2014.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-04

109-02-03-05. Certified shooting course.

A peace officer may not qualify with the officer's duty weapon on a noncertified shooting course.

History: Effective October 1, 2004; amended effective April 1, 2014.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-04

109-02-03-06. Criteria for a certified shooting course.

A sidearm shooting course must meet the following requirements before the agency may receive certification for the course and before a peace officer may qualify or requalify with the peace officer's duty weapon:

1. The course must provide for a minimum of three firing positions, including:
 - a. Prone.
 - b. Sitting.
 - c. Standing.
 - d. Kneeling.
 - e. Point shoulder.
 - f. Crouch.
 - g. Walking.
 - h. Barricade position.

2. The course must induce stress by the use of time, physical activity, or night or low light conditions or a combination of all three. The course must provide a time limit for course completion.
3. The course must include firing from at least three different distances:
 - a. The distance may not be less than one yard [.91 meter] nor more than twenty-five yards [22.86 meters].
 - b. The majority of firing must occur at seven yards [6.40 meters] or more.
4. The course must include firing at least eighteen but not more than sixty rounds of ammunition from start to finish.
5. The course must be fired completely with the peace officer's duty weapon and duty equipment and include left-hand and right-hand shooting. An approved substitute weapon of the same type, model, and manufacture as the duty weapon may be used if the duty weapon becomes defective during firing.
6. The ammunition used when firing for qualification must be the same as or ballistically similar to the ammunition normally carried on duty.
7. Only silhouette targets may be used on a certified shooting course.

History: Effective October 1, 2004; amended effective July 1, 2006.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-04(1)(d)

109-02-03-07. Issuance, denial, or revocation of qualification.

1. The board shall review all applications for sidearm qualification. The board may deny or revoke an application for sidearm qualification:
 - a. If the applicant failed to successfully complete the written examination or the shooting course;
 - b. Upon a finding that the applicant falsified any information required to obtain qualification or requalification;
 - c. Upon the written recommendation of a certified instructor; or
 - d. If the shooting course was not board-certified.
2. The board may require any peace officer to repeat a sidearm qualification test based upon the written recommendation of the agency administrator or certified weapons instructor or when the board deems it necessary.
3. Documentation for sidearm qualification must be submitted to the board on forms provided by the board and must include:
 - a. Identification of the peace officer.
 - b. Identification of the weapons instructor.
 - c. Identification of the duty weapon, including model and manufacturer.
 - d. Date of the peace officer's sidearm qualification.
 - e. Identification of the certified shooting course.

History: Effective October 1, 2004; amended effective April 1, 2014.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-04(1)(d)

109-02-03-08. Waiver.

Repealed effective April 1, 2014.

109-02-03-09. Notice of denial or revocation of qualification - Hearing.

Repealed effective April 1, 2014.