

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

Section

109-02-03-01	Sidearm Authorization and Qualification
109-02-03-02	Use of Force Examination and Sidearm Qualification for Individuals Not Licensed in North Dakota
109-02-03-03	Shotgun, Rifle, and Special Weapons Certification [Repealed]
109-02-03-04	Sidearm Qualification Required Annually
109-02-03-05	Certified Shooting Course
109-02-03-06	Criteria for a Certified Shooting Course
109-02-03-07	Issuance, Denial, or Revocation of Sidearm Qualification
109-02-03-08	Waiver [Repealed]
109-02-03-09	Notice of Denial or Revocation of Qualification - Hearing [Repealed]

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

An 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 an officer license or limited license. Sidearm qualification requires passing a North Dakota peace officer standards and training board-approved sidearm qualification course.

History: Effective October 1, 2004; amended effective April 1, 2022.

General Authority: NDCC 12-63-02.3(5), 12-63-04(2)(d)

Law Implemented: NDCC 12-63-02.3, 12-63-04(1)(d)

109-02-03-02. Use of force examination and sidearm qualification for individuals not licensed in North Dakota.

The board shall establish and certify a sidearm qualification and use of force examination for individuals not licensed in North Dakota, 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. An individual may attempt the use of force examination three times. Only one attempt may occur in any twelve-hour period. If those three attempts are unsuccessful, the individual must wait thirty days from the last unsuccessful attempt before retaking. After that period, the individual may attempt a single use of force examination. If the individual does not pass, they may not attempt the use of force examination for three hundred sixty-five days.
2. A North Dakota certified sidearm shooting course using the officer's duty weapon, duty equipment, and duty ammunition or ammunition equivalent grain to the ammunition the officer carries on duty. Successful completion of the sidearm qualification 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. An individual may attempt to qualify four times. The first three attempts only may occur once in any twelve-hour period. If a third unsuccessful attempt occurs, the individual must wait thirty days before their final attempt at qualification. If the individual is still unable to qualify, they may not attempt qualification for three hundred sixty-five days from the fourth unsuccessful attempt.
4. Only a North Dakota certified weapons instructor may administer the sidearm qualification and use of force examination.

History: Effective October 1, 2004; amended effective July 1, 2006; April 1, 2014; April 1, 2022.

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

1. Sidearm qualification requires successful completion of a North Dakota certified shooting course at least once during each calendar year. If an officer fails to qualify after one attempt at any certification course on three separate days by the end of the calendar year, the officer may not carry a duty weapon for thirty days during which time the officer no longer meets minimum license requirements. After thirty days, the officer may again attempt to qualify; however, the officer's license remains suspended until the employing or appointing agency provides proof the officer successfully completed the sidearm qualification and pays the late sidearm qualification fee if required under these rules.
2. For officers employed by an agency who are not required to carry a sidearm in the performance of their duties, the officer's agency may apply to the board for a waiver of the sidearm qualification requirements.

History: Effective October 1, 2004; amended effective April 1, 2014; April 1, 2022.

General Authority: NDCC 12-63-02.3(5), 12-63-04(2)(d)

Law Implemented: NDCC 12-63-02.3, 12-63-04

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

An 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; April 1, 2022.

General Authority: NDCC 12-63-02.3(5), 12-63-04(2)(d)

Law Implemented: NDCC 12-63-02.3, 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 an officer may qualify or requalify with the 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 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 equivalent grain 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; April 1, 2022.

General Authority: NDCC 12-63-02.3(5), 12-63-04(2)(d)

Law Implemented: NDCC 12-63-02.3, 12-63-04(1)(d)

109-02-03-07. Issuance, denial, or revocation of sidearm 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 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 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 officer.
 - b. Identification of the weapons instructor.
 - c. Identification of the duty weapon, including model and manufacturer.
 - d. Date of the officer's sidearm qualification.

e. Identification of the certified shooting course.

History: Effective October 1, 2004; amended effective April 1, 2014; April 1, 2022.

General Authority: NDCC 12-63-02.3(5), 12-63-04(2)(d)

Law Implemented: NDCC 12-63-02.3, 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.