

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0713

**DEADLINE FOR RECEIPT: Wednesday, November 9, 2022**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Page 1, Line 10, (b): Change "Director" to "School" to be consistent.*

*Page 1, Line 13 (c): What documentation is required? If there is something specific required, it should be plainly stated.*

*Page 1, Line 17 (e): To what "reading component" is the Commission referring? I brief review of the code does not appear to require a "reading component".*

*Page 1, Lines 17-21 (e): Why was this filed with a highlight?*

*Page 1 and 2: The rule submitted appears to amend the sub-sections beginning with (f) when this do not appear to be a change from the existing rule in the code. This will need to be changed.*

*Page 1, Lines 24 & 25, (f): Reference is made to two forms; however, neither the forms nor their substantive requirements appear in the code. Please see G.S. 150B-2(8a)d.*

*Page 1, Line 29 (g): Who certifies the "certified criminal record check"?*

*Page 2, Line 7 (h): Should not "a combination" be "any combination"?*

*Page 2, Lines 9-27 (i): This sub-paragraph is wordy and confusing. Consider making it multiple sub-paragraphs and perhaps utilize a list format.*

*Page 2, Lines 11-16 (i): This sentence is confusing. Consider re-writing it or breaking it up into two sentences.*

*Page 2, Line 14, 15, 17, 23 (i): Please refer to the style guide for the correct citation of entire Chapters of the North Carolina General Statutes. Remove the parenthetical references to statutes and consider "pursuant to ..."*

William W. Peaslee  
Commission Counsel  
Date submitted to agency:

*Page 2, Line 15 (i): As written, “provide an opportunity for both parties to be present” refers to the domestic violence orders and no contact orders. This is ambiguous and confusing.*

*Page 2, Line 18 (i): What is the “Class B Misdemeanor Manual”?*

*Page 2, Line 19 (i): The use of the word “include” suggests that there are other offences which need to be reported. Are there no clear criteria which can be identified so that trainees know what offences create an obligation to report?*

*Page 2, Line 22 (i): Consider using alternative language to “handled”. Perhaps “adjudicated” or “the court with jurisdiction.”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel  
Date submitted to agency:

1 12 NCAC 10B .0713 is amended with changes as published in Volume 37, Issue 2 , pages 186-187 of the North  
2 Carolina public register as follows:

3  
4 12 NCAC 10B .0713 ADMISSION OF TRAINEES

5 (a) The school ~~director~~ shall not admit any individual as a trainee in any commission-certified basic training course  
6 who is not a citizen of the United States.

7 (b) The school shall not admit any individual younger than ~~21~~ 20 years of age as a trainee in ~~the any~~ Detention Officer  
8 Certification Course and shall not admit any individual younger than 18 years of age as a trainee in the  
9 Telecommunicator Certification Course without the prior written approval of the Director of the Standards Division.  
10 The Director shall approve those individuals who will turn ~~21~~ 20 years of age prior to the end of ~~the any~~ Detention  
11 Officer Certification Course and, those individuals who will turn 18 years of age prior to the end of the  
12 Telecommunicator Certification Course.

13 (c) The school shall not admit any individual who has not provided documentation that he or she meets the educational  
14 requirement set out in 12 NCAC 10B .0302.

15 (d) The school shall give priority admission in commission-certified basic training courses to individuals holding full-  
16 time employment with criminal justice agencies.

17 (e) The school shall administer the reading component of a standardized test that reports a grade level for each trainee  
18 participating in either the Telecommunicator or Detention Officer Certification Course. The specific test instrument  
19 shall be determined by the school ~~director~~ and shall be administered within the first week of the Course. The grade  
20 level results for each trainee shall be submitted to the Commission on each trainee's Report of Student Course  
21 Completion.

22 ~~(f)(e)~~—The school shall not admit any individual as a trainee in a presentation of ~~the any~~ Detention Officer Certification  
23 Course or the Telecommunicator Certification Course unless the individual has provided to the School ~~Director~~ a  
24 Medical Examination Report Form (F-2) and the Medical History Statement Form (F-1) in compliance with 12 NCAC  
25 10B .0304. The Medical Examination Report Form (F-2) and the Medical History Statement Form (F-1) required by  
26 the North Carolina Criminal Justice Education and Training Standards Commission shall be recognized by the  
27 Commission for the purpose of complying with this Rule.

28 ~~(g)(f)~~—The school shall not admit any individual trainee in commission-certified basic training courses unless the  
29 individual has provided the School ~~Director~~ a certified criminal record check for local and state records where the  
30 trainee has resided within the past 10 years and where the trainee attended high school. An Administrative Office of  
31 the Courts criminal record check or a comparable out-of-state criminal record check shall satisfy this requirement. If  
32 an individual trainee has received a probationary certificate from the Commission at the time of enrollment, this  
33 records check requirement shall be waived.

34 ~~(h)(g)~~—The school shall not admit any individual as a trainee in commission-certified basic training courses who has  
35 been convicted of the following:

- 36 (1) a felony;  
37 (2) a crime for which the punishment could have been imprisonment for more than two years;

- 1 (3) a crime or unlawful act defined as a "Class B Misdemeanor" within the five year period prior to the
- 2 date of appointment;
- 3 (4) four or more crimes or unlawful acts as defined as "Class B Misdemeanors" regardless of the date
- 4 of conviction;
- 5 (5) four or more crimes or unlawful acts defined as "Class A Misdemeanors" except the trainee may be
- 6 enrolled if the last conviction occurred more than two years prior to the date of enrollment; or
- 7 (6) a combination of four or more "Class A Misdemeanors" or "Class B Misdemeanors" regardless of
- 8 the date of conviction.

9 ~~(i)(4)~~ Individuals charged with crimes specified in this Paragraph that were dismissed or the person was found not  
10 guilty may be admitted into the commission-certified basic training courses, but completion will not ensure that  
11 certification as a justice officer through the Commission will be issued. Every individual who is admitted as a trainee  
12 in a presentation of the Commission-certified Basic Law Enforcement Training Course shall notify the School Director  
13 of all criminal offenses that the trainee is arrested for, charged with, pleads no contest to, pleads guilty to, or is found  
14 guilty of, and shall notify the School Director of all Domestic Violence Orders (G.S. 50B) and Civil No Contact Orders  
15 (50C) that are issued by a judicial official that provide an opportunity for both parties to be present, including all  
16 criminal offenses except minor traffic offenses. A minor traffic offense is defined for purposes of this Paragraph as  
17 any offense under G.S. 20 or similar laws of other jurisdictions except those Chapter 20 offenses published in the  
18 Class B Misdemeanor Manual. Other traffic offenses under laws of other jurisdictions that shall be reported to the  
19 School Director include driving while impaired if the maximum allowable punishment is for a term of more than six  
20 months but not more than two years and driving while license permanently revoked or permanently suspended. The  
21 notifications required under this Paragraph shall be in writing and shall specify the nature of the offense, the court in  
22 which the case was handled, the date of the arrest or criminal charge, the date of issuance of the Domestic Violence  
23 Order (G.S. 50B) or Civil No Contact Order (G.S. 50C), and the final disposition and the date thereof. The notifications  
24 required under this Paragraph shall be received by the School Director within 30 days of the date the case was disposed  
25 of in court. The requirements of this Paragraph shall apply at all times during which the trainee is enrolled in a Basic  
26 Law Enforcement Training Course. The requirements of this Paragraph shall be in addition to the notifications required  
27 under 12 NCAC 10B .0301 and 12 NCAC 09B .0101(8).

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29 *History Note: Authority G.S. 17C-4; 17E-7;*  
30 *Eff. April 1, 2001;*  
31 *Amended Eff. January 1, 2018; January 1, 2013; January 1, 2007; January 1, 2005;*  
32 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
33 *2018;*  
34 *Italicized Amendments have previously been published and are effective January 1, 2023.*  
35 *Amended Eff. January 1, 2023.*