

1 12NCAC 10B .0301 is amended WITH CHANGES as published in 37:01 NCR 17-19 as follows:

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3 **12 NCAC 10B .0301 MINIMUM STANDARDS FOR JUSTICE OFFICERS**

4 Every ~~Justice Officer~~ justice officer employed or certified in North Carolina shall:

- 5 (1) be a citizen of the United States;
- 6 (2) be ~~24~~ at least 20 years of age for all deputies and detention officers ~~and or~~ be at least 18 years of  
7 age for all ~~telecommunicators;~~ telecommunicators;
- 8 (3) be a high school graduate, or the equivalent (~~GED~~); as defined in 12 NCAC 10B .0302;
- 9 (4) have been fingerprinted by the employing agency; ~~agency~~ in the manner provided in 12 NCAC 10B  
10 .0303;
- 11 (5) have had a medical examination as required by 12 NCAC 10B .0304;
- 12 (6) have produced a negative result on a drug screen ~~administered according to the following~~  
13 ~~specifications:~~ as described in 12 NCAC 10B .0410:
  - 14 (A) ~~the drug screen shall be a urine test consisting of an initial screening test using an~~  
15 ~~immunoassay method and a confirmatory test on an initial positive result using a gas~~  
16 ~~chromatography/mass spectrometry (GC/MS) or other initial and confirmatory tests as may~~  
17 ~~be authorized or mandated by the Department of Health and Human Services for Federal~~  
18 ~~Workplace Drug Testing Programs [https://www.samhsa.gov/workplace];~~
  - 19 (B) ~~a chain of custody shall be maintained on the specimen from collection to the eventual~~  
20 ~~discarding of the specimen;~~
  - 21 (C) ~~the drugs whose use shall be tested for shall include cannabis, cocaine, phencyclidine~~  
22 ~~(PCP), opiates, and amphetamines or their metabolites;~~
  - 23 (D) ~~the test threshold values established by the Department of Health and Human Services for~~  
24 ~~Federal Workplace Drug Testing Programs are incorporated by reference, including~~  
25 ~~subsequent amendments and editions. Copies of this information may be obtained from the~~  
26 ~~National Institute on Drug Abuse, 5600 Fisher Lane, Rockville, Maryland 20857~~  
27 ~~[http://www.drugabuse.gov/] at no cost;~~
  - 28 (E) ~~the test results shall be dated no more than 60 days before employment or appointment,~~  
29 ~~whichever is earlier;~~
  - 30 (F) ~~the laboratory conducting the test shall be certified for federal workplace drug testing~~  
31 ~~programs, and shall adhere to applicable federal rules, regulations, and guidelines~~  
32 ~~pertaining to the handling, testing, storage, and preservation of samples; and~~
  - 33 (G) ~~each drug test laboratory report shall be reviewed by a medical review officer (MRO), who~~  
34 ~~shall be a licensed physician;~~
- 35 (7) make the following notifications:
  - 36 (A) ~~within five business days, notify the Standards Division and the appointing department~~  
37 ~~head in writing of all criminal offenses with which the officer is charged. This shall include~~

1 all criminal offenses except minor traffic offenses. A minor traffic offense means any  
2 offense under G.S. 20 or similar laws of other jurisdictions; except those Chapter 20  
3 offenses defined as either a Class A or B Misdemeanor in 12 NCAC 10B .0103(10). The  
4 initial notification required must specify the nature of the offense, the date of offense, and  
5 the arresting agency. Within five business days, notify the Standards Division of all  
6 Domestic Violence Orders (G.S. 50B) and Civil No Contact Orders (G.S. 50C) that are  
7 issued by a judicial official against the justice officer and that provide an opportunity for  
8 both parties to be present;

9 (B) within 20 days of the date the case was disposed, notify the appointing department head of  
10 the adjudication of these criminal charges, Domestic Violence Orders (G.S. 50B), and Civil  
11 No Contact Orders (G.S. 50C). The department head, provided he or she has knowledge of  
12 the officer's charges, Domestic Violence Orders (G.S. 50B), and Civil No Contact Orders  
13 (G.S. 50C), shall also notify the Division within 30 days of the date the case or order was  
14 disposed of in court.

15 (C) within 30 days of the date the case was disposed, notify the Standards Division of the  
16 adjudication of these criminal charges, Domestic Violence Orders (G.S. 50B), and Civil  
17 No Contact Orders (G.S. 50C);

18 (D) the required notifications of adjudication shall specify the nature of the offense, the court  
19 in which the case was handled, and the date of disposition and shall include a certified copy  
20 of the final disposition from the Clerk of Court in the county of adjudication;

21 (E) receipt by the Standards Division of timely notification of the initial offenses charged and  
22 of adjudication of those offenses, from either the officer or the department head, shall be  
23 sufficient notice for compliance with this Subparagraph;

24 (7) have been administered a psychological screening examination as [described by] in accordance with  
25 G.S. 17E-7. This psychological screening examination shall be valid for a period of one year from  
26 the date on which it was administered;

27 (8) be of good moral character as defined in: In re Willis, 288 N.C. 1, 215 S.E.2d 771 (1975), appeal  
28 dismissed 423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E.2d 854 (1940); In re Legg, 325  
29 N.C. 658, 386 S.E.2d 174 (1989); In re Applicants for License, 143 N.C. 1, 55 S.E. 635 (1906); In  
30 re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E.2d 647  
31 (1983); and later court decisions that cite these cases as authority;

32 (8) have been interviewed as described in 12 NCAC 10B .0306;

33 (9) have a background investigation conducted by the employing [agency] agency, including a personal  
34 interview prior to employment as required by Rules .0305 and .0306 of this Section. as required by  
35 12 NCAC 10B .0305;

36 (10) not have committed or been convicted of a crime or crimes specified in 12 NCAC 10B .0307;

- 1 (11) for personnel who are authorized to carry a firearm in the execution of their duties, satisfactorily  
2 complete the employing agency's in-service firearms training program as prescribed in 12 NCAC  
3 10B .2103 and .2104. Such firearms training compliance must have occurred prior to submission of  
4 the application for appointment to the Commission and must be completed using the agency  
5 approved service ~~handgun(s)~~ handguns and any other ~~weapons(s)~~ weapons that the applicant has  
6 been issued or authorized to use by the agency; and
- 7 (12) be of good moral character as defined in: ~~In re Legg, 325 N.C. 658, 386 S.E.2d 174 (1989); State v.~~  
8 ~~Benbow, 309 N.C. 538, 308 S.E.2d 647 (1983); In re Willis, Willis, 288 N.C. 1, 215 S.E.2d 771~~  
9 ~~(1975), appeal dismissed appeal dismissed 423 U.S. 976 (1975); State v. Harris, State v. Harris,~~  
10 ~~216 N.C. 746, 6 S.E.2d 854 (1940); In re Legg, 325 N.C. 658, 386 S.E.2d 174 (1989); In re~~  
11 ~~Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); in In re Applicants for License, Applicants for~~  
12 ~~License 143 N.C. 1, 55 S.E. 635 (1906); In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State~~  
13 ~~v. Benbow, 309 N.C. 538, 308 S.E.2d 647 (1983);~~ and later court decisions.
- 14 (13) make the following notifications:
- 15 (a) within five business days of the qualifying event, ~~outlined in this section of the Rule,~~  
16 notify the Standards Division and the appointing agency head in writing of all criminal  
17 offenses for which the officer is ~~charged or arrested,~~ charged, arrested, pleads no contest,  
18 pleads guilty or of which the officer is found guilty. This shall include traffic offenses  
19 identified in the Class B Misdemeanor Manual and offenses of driving under the influence  
20 (DUI) or driving while impaired ~~(DWI);~~ (DWI).
- 21 ~~(b)~~ [within five business days of the qualifying event, notify the Standards Division and the  
22 appointing agency head in writing of all criminal offenses for which the officer pleads no  
23 contest, pleads guilty, or of which the officer is found guilty. This shall include traffic  
24 offenses identified in the Class B Misdemeanor Manual and offenses of driving under the  
25 influence (DUI) or driving while impaired (DWI);]
- 26 ~~(e)~~ (b) within five business days of service, officers shall notify the Standards Division of all  
27 Domestic Violence Protective Order ~~(G.S. 50B)~~ pursuant to G.S. 50B and any Civil No  
28 Contact ~~Orders (G.S. 50C)~~ Order pursuant to G.S. 50C that are issued by a judicial official  
29 against the officer;
- 30 ~~(d)~~ (c) within five business days of the date the case was disposed of in court, the agency head,  
31 provided he or she has knowledge of the officer's arrests or criminal charges and final  
32 dispositions, shall also notify the Standards Division of arrests or criminal charges and final  
33 disposition;
- 34 ~~(e)~~ (d) within five business days of the issuance of all Domestic Violence Protective ~~Orders (G.S.~~  
35 ~~50B)~~ Orders pursuant to G.S. 50B and Civil No Contact ~~Orders (G.S. 50C);~~ Orders  
36 pursuant to G.S. 50C, the agency head, provided he or she has knowledge of the order,  
37 shall also notify the Standards Division of these orders.

1 ~~[(f)]~~ (e) The required notifications in this Rule shall be in writing and shall specify the nature of the  
2 offense or order, the court in which the case was handled, the date of the arrest, criminal  
3 charge, or service of the order, and the final disposition. The notification shall include a  
4 certified copy of the order or court documentation and final disposition from the Clerk of  
5 Court in the county of adjudication. The requirements of this Item shall be applicable at all  
6 times during which the officer is employed and certified by the Commission and shall also  
7 apply to all applicants for certification. Receipt by the Standards Division of a single  
8 notification, from the officer or the agency head, shall be sufficient notice for compliance  
9 with this Item.

10 (b) (14) The ~~the~~ requirements of this Rule shall apply to all applications for certification and shall also  
11 apply at all times during which the justice officer is certified by the Commission.  
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13 *History Note: Authority G.S. 17E-7;*

14 *Eff. January 1, 1989;*

15 *Amended Eff. January 1, 2018; February 1, 2014; January 1, 2006; January 1, 2005; August 1,*  
16 *2002; January 1, 1996; January 1, 1994; January 1, 1993; January 1, 1992; July 1, 1990; January*  
17 *1, 1990;*

18 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
19 *2018;*

20 *Amended Eff. January 1, 2023.*

21 ~~*Amended Eff. January 1, 2023.*~~