

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

AGENCY: N.C. Criminal Justice Education and Training Standards Commission

RULE CITATION: All rules.

DEADLINE FOR RECEIPT: For future consideration

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:

Consider:

The Criminal Justice Education and Training Standards Commission (CJETS) has an entire section (.0200) in Subchapter 09C titled "Forms." The numbers which CJETS assigns to each form are not stated in this section. Accordingly, when one of these forms is required in other rules, the agency must state the entire name of the form. Would it not be better to have uniformity by stating the rule title and the number assigned in this section?

CJETS requires many different forms to be used in its rules, yet it does not incorporate all the forms into section (.0200) in Subchapter 09C. Accordingly, while you have a section which sets forth the substantive requirements of the agency's forms, it also has substantive requirements of other forms scatter throughout its rules. Would it not be better to have them all in one section?

Please consider in all future rule submissions the following course of action for every single rule.

- 1. Do a word search for the word "form."*
- 2. If a "form" is mentioned in a rule, see if you have a rule which establishes the substantive requirements of the form.*
- 3. If not, add a rule to the CJETS Subchapter 9C Section .0200 which sets forth the requirements.*
- 4. If there is a rule which sets forth the substantive requirements, but it is not in Subchapter 9C Section .0200, create a rule in Subchapter 9C Section .0200 and delete the language from the rule which currently establishes the substantive requirements of that form.*

If CJETS does this, your rules will be much better organized.

William W. Peaslee
Commission Counsel

Date submitted to agency: March 31, 2025

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: March 31, 2025

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

AGENCY: N.C. Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09A .0103

DEADLINE FOR RECEIPT: April 14, 2025

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 4-5: As none of these definitions appear in 12 NCAC 09A .0107, why is the exception language necessary?

Page 1, Line 6-7: “, for purposes of....0701,” is unnecessary. Further, 12 NCAC 09B .0401 does not appear to be applicable.

Page 1, Line 19: A “finding” by what process? Cite a rule if there is one.

Page 1, Lines 22-26: (b) is modified by “a jury, judge, magistrate...” Would this not apply to (a) and (c) as well?

Page 2, Lines 4-7: This is a definitions rule. Why are these substantive requirements in the rule?

Page 2, Lines 18-20: And “pursuant to this Chapter” following “that must be completed.”

Page 4, Lines 16-20: Is there any rule to which these lines would now be relevant?

Page 5, Lines 7-11: Is this still relevant?

Page 5, Lines 12-15: After “school director” add “pursuant to Rule 09B .0201 of this Chapter.” Or consider, “Qualified Assistant’ means the staff person designed pursuant to Rule 09B .0201 of this Chapter.”

Page 5, Line 18-19: “Resident” is not used in this context in any rule in Chapter 9. Why do you need it?

Page 5, Lines 21-24: With the decennial review coming up, the agency should pick on of the two options and then use it consistently throughout its rules.

William W. Peaslee
Commission Counsel

Date submitted to agency: March 31, 2025

Page 5, Lines 25-26: Cite the rule by which the designation is required. E.g., “pursuant to Rule 9B .0201 of this Chapter.”

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: March 31, 2025

1 **12 NCAC 09A .0103 is amended as published in 39:06 NCR 317-322 as follows:**

2
3 **12 NCAC 09A .0103 DEFINITIONS**

4 The following definitions apply throughout Subchapters 12 NCAC 09A through 12 NCAC 09F, except as modified
5 in 12 NCAC 09A .0107 for the purpose of the Commission's rule-making and administrative hearing procedures:

- 6 (1) "Active Duty Military" means, for the purpose of determining eligibility for certification pursuant
7 to 12 NCAC 09B .0401 and 12 NCAC 09B ~~.0403~~, .0701, full-time duty in the active military service
8 of the United States. Such term includes full-time training duty, annual training duty, and attendance
9 while in the active military service at a school designated as a service school by law or by the
10 Secretary of the military department concerned. Such term does not include full-time National
11 Guard duty.
- 12 (2) "Agency" or "Criminal Justice Agency" means those state and local agencies identified in G.S. 17C-
13 2(2).
- 14 (3) "Alcohol Law Enforcement Agent" means a law enforcement officer appointed by the Secretary of
15 the Department of Public Safety as authorized by G.S. 18B-500.
- 16 (4) "Chief Court Counselor" means the person responsible for administration and supervision of
17 juvenile intake, probation, and post-release supervision in each judicial district, operating under the
18 supervision of the Department of Public Safety, Division of ~~Adult Correction and~~ Juvenile Justice.
- 19 (5) "Commission of an offense" means a finding by the North Carolina Criminal Justice Education and
20 Training Standards Commission or equivalent regulating body from another state that a person
21 performed the acts necessary to satisfy the elements of a specified criminal offense.
- 22 (6) "Convicted" or "Conviction" means the entry of:
23 (a) a plea of guilty;
24 (b) a verdict or finding of guilt by a jury, judge, magistrate, or other adjudicating body,
25 tribunal, or official, either civilian or military; or
26 (c) a plea of no contest, nolo contendere, or the equivalent.
- 27 (7) "Criminal Justice Officer(s)" means those officers identified in G.S. 17C-2(3).
- 28 (8) "Criminal Justice System" means the whole of the State and local criminal justice agencies described
29 in Item (2) of this Rule.
- 30 (9) "Agency Head" means the chief administrator of any criminal justice agency, and specifically
31 includes any chief of police or agency director. "Agency Head" also includes a designee appointed
32 in writing by the Agency Head.
- 33 (10) "Director" means the Director of the Criminal Justice Standards Division of the North Carolina
34 Department of Justice.
- 35 (11) "Educational Points" means points earned toward the Professional Certificate Programs for studies
36 completed, with passing scores achieved, for semester hour or quarter hour credit hours awarded
37 from colleges or universities accredited by the Department of Education of the state in which the

1 institution is located, from an accredited body recognized by either the U.S. Department of
2 Education or the Council for Higher Education Accreditation, or from the state university of the
3 state in which the institution is located. Each semester hour of college credit equals one educational
4 point and each quarter hour of college credit equals two-thirds of an educational point. Diplomas
5 earned from educational institutions outside of the United States must be translated into English and
6 be accompanied by an authentic transcript. The Division's staff shall evaluate these transcripts to
7 ensure they are scholastically comparable to the United States curriculum requirements.

8 (12) "Enrolled" means that an individual is currently actively participating in an on-going presentation
9 of a Commission-certified basic training course that has not concluded on the day probationary
10 certification expires. The term "currently actively participating" as used in this definition means:

11 (a) for law enforcement officers, that the officer is attending an approved course presentation
12 averaging a minimum of 12 hours of instruction each week; and

13 (b) for Department of Public Safety, Division of ~~Adult Correction and~~ Juvenile Justice
14 personnel, that the officer is attending the last or final phase of the approved training course
15 necessary for satisfying the total course completion requirements.

16 (13) "High School" means an educational program that meets the compulsory attendance requirements
17 in the jurisdiction in which the school is located.

18 (14) "In-Service Training" means all training ~~prescribed in 12 NCAC 09E .0105~~ that must be completed,
19 with passing scores achieved, by all certified law enforcement officers during each full calendar
20 year of certification.

21 (15) "In-Service Training Coordinator" means the person designated by a Criminal Justice Agency head
22 to administer the agency's In-Service Training program.

23 (16) "Lateral Transfer" means the employment of a criminal justice officer by a Criminal Justice Agency
24 based upon the officer's special qualifications or experience, without following the usual selection
25 process established by the agency for basic officer positions.

26 (17) "Law Enforcement Code of Ethics" means the code adopted by the Commission on September 19,
27 1973, that reads as follows:

28 As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to
29 protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence
30 or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

31 I will keep my private life unsullied as an example to all, and will behave in a manner that does not bring discredit to
32 me or to my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint;
33 and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I
34 will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential
35 nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the
36 performance of my duty.

1 I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or
2 friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I
3 will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing
4 unnecessary force or violence and never accepting gratuities.

5 I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I
6 am true to the ethics of the police service. I will never engage in acts of corruption or bribery, nor will I condone such
7 acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit
8 of justice.

9 I know that I alone am responsible for my own standard of professional performance and will take every reasonable
10 opportunity to enhance and improve my level of knowledge and competence.

11 I will constantly strive to achieve these objectives and ideals, dedicating myself before God or by affirmation to my
12 chosen profession law enforcement.

13 (18) "Juvenile Court Counselor" means a person responsible for intake services and court supervision
14 services to juveniles under the supervision of the Chief Court Counselor.

15 (19) "Juvenile Justice Officer" means a person designated by the Secretary of the Department of Public
16 Safety, Division of ~~Adult Correction and~~ Juvenile Justice to provide for the care and supervision of
17 juveniles placed in the physical custody of the Department.

18 (20) "Law Enforcement Officer" means an appointee of a Criminal Justice Agency, an agency of the
19 State, or of any political subdivision of the State who, by virtue of his or her office, is empowered
20 to make arrests for violations of the laws of this State. Specifically excluded from the title "Law
21 Enforcement Officer" are sheriffs and their sworn appointees with arrest authority who are governed
22 by the provisions of G.S. 17E.

23 (21) "Law Enforcement Training Points" means points earned toward the Law Enforcement Officers'
24 Professional Certificate Program by successful completion of Commission-approved law
25 enforcement training courses. Twenty classroom hours of Commission-approved law enforcement
26 training equals one law enforcement training point.

27 (22) "LIDAR" is an acronym for "Light Detection and Ranging" and means a speed-measuring
28 instrument that electronically computes, from transmitted infrared light pulses, the speed of a vehicle
29 under observation.

30 (23) "Local Confinement Personnel" means any officer, supervisor, or administrator of a local
31 confinement facility in North Carolina as defined in G.S. 153A-217; any officer, supervisor, or
32 administrator of a county confinement facility in North Carolina as defined in G.S. 153A-218; or
33 any officer, supervisor, or administrator of a district confinement facility in North Carolina as
34 defined in G.S. 153A-219.

35 (24) "Misdemeanor" means those criminal offenses not classified under the laws, statutes, or ordinances
36 as felonies. Misdemeanor offenses are classified by the Commission as follows:

1 (a) "Class A Misdemeanor" means a misdemeanor committed or omitted in violation of any
2 common law, duly-enacted ordinance, or criminal statute of this State that is not classified
3 as a Class B Misdemeanor pursuant to Sub-item (24)(b) of this Rule. Class A Misdemeanor
4 also includes any act committed or omitted in violation of any common law, duly enacted
5 ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North
6 Carolina, either civil or military, for which the maximum punishment allowable for the
7 designated offense under the laws, statutes, or ordinances of the jurisdiction in which the
8 offense occurred includes imprisonment for a term of not more than six months. Excluded
9 from "Class A Misdemeanor" criminal offenses for jurisdictions other than North Carolina
10 are motor vehicle or traffic offenses designated as misdemeanors under the laws of other
11 jurisdictions or duly enacted ordinances of an authorized governmental entity, with the
12 exception of the offense of impaired driving that is included herein as a Class A
13 Misdemeanor if the offender could have been sentenced for a term of not more than six
14 months. Also included herein as a Class A Misdemeanor is the offense of impaired driving,
15 if the offender was sentenced under punishment level three G.S. 20-179(i), level four G.S.
16 20-179(j), or level five G.S. 20-179(k). Class A Misdemeanor shall also include acts
17 committed or omitted in North Carolina prior to October 1, 1994, in violation of any
18 common law, duly enacted ordinance, or criminal statute of this State for which the
19 maximum punishment allowable for the designated offense included imprisonment for a
20 term of not more than six months.

21 (b) "Class B Misdemeanor" means an act committed or omitted in violation of any common
22 law, criminal statute, or criminal traffic code of this State that is classified as a Class B
23 Misdemeanor as set forth in the Class B Misdemeanor Manual as published by the North
24 Carolina Department of Justice, incorporated herein by reference, and shall include any
25 later amendments and editions of the incorporated material as provided by G.S. 150B-21.6.
26 The publication is available from the Commission's website:
27 [http://www.ncdoj.gov/getdoc/60bb12ca-47c0-48cb-a0e3-6095183c4c2a/Class-B-](http://www.ncdoj.gov/getdoc/60bb12ca-47c0-48cb-a0e3-6095183c4c2a/Class-B-Misdemeanor-Manual-2005.aspx)
28 [Misdemeanor-Manual-2005.aspx](http://www.ncdoj.gov/getdoc/60bb12ca-47c0-48cb-a0e3-6095183c4c2a/Class-B-Misdemeanor-Manual-2005.aspx). Class B Misdemeanor also includes any act committed
29 or omitted in violation of any common law, duly enacted ordinance, criminal statute, or
30 criminal traffic code of any jurisdiction other than North Carolina, either civil or military,
31 for which the maximum punishment allowable for the designated offense under the laws,
32 statutes, or ordinances of the jurisdiction in which the offense occurred includes
33 imprisonment for a term of more than six months but not more than two years. Excluded
34 from this grouping of "Class B Misdemeanor" criminal offenses for jurisdictions other than
35 North Carolina, are motor vehicle or traffic offenses designated as being misdemeanors
36 under the laws of other jurisdictions with the following exceptions: Class B Misdemeanor
37 includes the following:

- (i) either first or subsequent offenses of driving while impaired if the maximum allowable punishment is for a term of more than six months but not more than two years;
- (ii) driving while license permanently revoked or permanently suspended;
- (iii) those traffic offenses occurring in other jurisdictions which are comparable to the traffic offenses specifically listed in the Class B Misdemeanor Manual; and
- (iv) an act committed or omitted in North Carolina prior to October 1, 1994, in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of this State for which the maximum punishment allowable for the designated offense included imprisonment for a term of more than six months but not more than two years.

(25) "Qualified Assistant" means an additional staff person designated by the School Director to assist in the administration of a course when an institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of a certified course.

(26) "Radar" means a speed-measuring instrument that transmits microwave energy in the 10,500 to 10,550 MHZ frequency (X) band, the 24,050 to 24,250 MHZ frequency (K) band, or the 33,400 to 36,000 MHZ (Ka) band and operates in either the stationary or moving mode.

(27) "Resident" means any youth committed to a facility operated by the Department of Public Safety, Division of ~~Adult Correction~~ and Juvenile Justice.

(28) "School" or "criminal justice school" means an institution, college, university, academy, or agency that offers criminal justice, law enforcement, or traffic control and enforcement training for criminal justice officers or law enforcement officers. "School" includes the criminal justice training course curriculum, instructors, and facilities.

(29) "School Director" means the person designated by the sponsoring institution or agency to administer the criminal justice school.

(30) "Speed-Measuring Instruments" (SMI) means those devices or systems, including RADAR, Time-Distance, and LIDAR, approved under authority of G.S. 17C-6(a)(13) for use in North Carolina in determining the speed of a vehicle under observation and particularly includes all devices or systems described or referenced in 12 NCAC 09C .0601.

(31) "Standards Division" means the Criminal Justice Standards Division of the North Carolina Department of Justice.

(32) "Time-Distance" means a speed-measuring instrument that electronically computes, from measurements of time and distance, the average speed of a vehicle under observation.

History Note: Authority G.S. 17C-2; 17C-6; 17C-10; 153A-217; Eff. January 1, 1981; Amended Eff. November 1, 1981; August 15, 1981;

1 *Readopted Eff. July 1, 1982;*
2 *Temporary Amendment Eff. December 14, 1983 for a period of 120 days to expire on April 12, 1984;*
3 *Amended Eff. November 1, 1993; March 1, 1990; July 1, 1989;*
4 *Temporary Amendment Eff. October 1, 1994 for a period of 180 days to expire on April 1, 1995;*
5 *Amended Eff. August 1, 2000; April 1, 1999; August 1, 1998; January 1, 1995;*
6 *Temporary Amendment Eff. January 1, 2001;*
7 *Amended Eff. August 1, 2002; April 1, 2001;*
8 *Temporary Amendment Eff. April 15, 2003;*
9 *Amended Eff. January 1, 2017; February 1, 2016; January 1, 2015; January 1, 2006; June 1, 2005;*
10 *April 1, 2004;*
11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
12 *2019;*
13 *Amended Eff. May 1, 2025; October 1, 2022.*
14

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

AGENCY: N.C. Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0235

DEADLINE FOR RECEIPT: April 14, 2025

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:

This page intentionally left blank.

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

1 **12 NCAC 09B .0235 is amended as published in 39:12 NCR 753-763 as follows:**

2
3 **12 NCAC 09B .0235 BASIC TRAINING – JUVENILE COURT COUNSELORS AND CHIEF COURT**
4 **COUNSELORS**

5 (a) The Juvenile Court Counselors and Chief Court Counselors training course shall consist of a minimum of 119
6 hours of classroom and practical skills instruction.

7 (b) Each basic training course for Juvenile Court Counselors shall include training in the following topic areas:

8 (1) Juvenile Justice Common Core:

9 (A)	Basic Individual Counseling Skills	6 5 hours
10 (B)	Interpersonal Communication Skills	6 5 hours
11 (C)	Working with Families	3 hours
12 (D)	Characteristics of Delinquents	4 hours
13 (E)	Staff and Juvenile Relationships: Maintaining	4 hours
14	Professional Boundaries	
15 (F)	Gang Awareness	2 hours
16 (G)	Situational Awareness and Risk Assessment	4 hours
17 (H)	Restraints, Controls, and Defensive Techniques	28 hours
18 (I)	Mechanical Restraints	4 hours
19 (J)	Youth Mental Health First-Aid	8 hours
20 (K)	Trauma and Delinquents <u>Think Trauma</u>	6 8 hours
21 (L)	Driver and Secure Transport Safety	4 hours
22 (M)	Racial and Ethnic Disparities (RED) – Addressing RED within the	
23	Juvenile Justice System	2 hours
24 (N)	Verbal De-escalation for Juvenile Justice	2 hours
25	Total Hours	83 hours

26 (2) Juvenile Court Counselor Specific:

27 (A)	Statutory Responsibilities and Requirements of Juvenile	
28	Court Counselors	6 hours
29 (B)	Juvenile Law	8 hours
30 (C)	Intake, Supervision and Services	8 hours
31 (D)	Assessing Risk and Needs <u>Risk and Needs Assessment</u>	6 hours
32 (E)	Report Writing and Documentation	8 hours
33	Total Hours	36 hours
34	Total Course Hours	119 hours

35 (c) Upon completion of a Commission-certified training course for Juvenile Court Counselors and Chief Court
36 Counselors, the Director of the school conducting the course shall notify the Commission of training completion by
37 submitting a Report of Training Course Completion for each trainee. The Report of Training Course Completion, F-

1 11, identifies the student, student's social security number, date of birth, employing agency, position, date of
2 appointment, and course information, to include title of course, location course was conducted at, the dates the course
3 began and ended, the hours the course was conducted, number of instructional contact hours, and name of certifying
4 official regarding the successful completion of the training course.

5 (d) Employees of the Division of Juvenile Justice and Delinquency Prevention who have completed the minimum
6 119 hour training program accredited by the Commission pursuant to Rule .0236 of this Section after January 1, 2013
7 who transfer from a Juvenile Justice Officer position to a Juvenile Court Counselor position shall be required to
8 complete only the portions of the course identified as specific to the duties and responsibilities of a Juvenile Court
9 Counselor under Subparagraph (b)(2) of this Rule.

10
11 *History Note:* Authority G.S. 17C-2; 17C-6; 17C-10;
12 Temporary Adoption Eff. April 15, 2003;
13 Eff. April 1, 2004;
14 Amended Eff. July 1, 2017; July 1, 2016; August 1, 2015; May 1, 2014;
15 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
16 2019;
17 Amended Eff. May 1, 2025; ~~March 1, 2024~~; January 1, 2022.
18

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

AGENCY: N.C. Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0236

DEADLINE FOR RECEIPT: April 14, 2025

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:

This page intentionally left blank.

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: March 31, 2025

1 **12 NCAC 09B .0236 is amended as published in 39:12 NCR 753-763 as follows:**

2

3 **12 NCAC 09B .0236 BASIC TRAINING - JUVENILE JUSTICE OFFICERS**

4 (a) The Juvenile Justice Officer training course shall consist of a minimum of 117 hours of classroom and practical
5 skills instruction.

6 (b) Each basic training course for Juvenile Justice Officers shall include training in the following identified topic
7 areas:

8	(1)	Juvenile Justice Common Core:	
9	(A)	Basic Individual Counseling Skills	6 5 hours
10	(B)	Interpersonal Communication Skills	6 5 hours
11	(C)	Working with Families	3 hours
12	(D)	Characteristics of Delinquents	4 hours
13	(E)	Staff and Juvenile Relationships: Maintaining	4 hours
14		Professional Boundaries	
15	(F)	Gang Awareness	2 hours
16	(G)	Situational Awareness and Risk Assessment	4 hours
17	(H)	Restraints, Controls, and Defensive Techniques	28 hours
18	(I)	Mechanical Restraints	4 hours
19	(J)	Youth Mental Health First-Aid	8 hours
20	(K)	Trauma and Delinquents <u>Think Trauma</u>	6 8 hours
21	(L)	Driver and Secure Transport Safety	4 hours
22	(M)	Racial and Ethnic Disparities (RED) – Addressing RED within the	
23		Juvenile Justice System	2 hours
24	(N)	Verbal De-escalation for Juvenile Justice	2 hours
25		Total Hours	83 hours
26	(2)	Juvenile Justice Officer Specific:	
27	(A)	Treatment Program Operations	4 hours
28	(B)	Maintaining Documentation of Activities and Behaviors	8 hours
29	(C)	Basic Group Leadership Skills	4 hours
30	(D)	Effective Behavior Management	10 hours
31	(E)	Health Services Overview	2 hours
32	(F)	Contraband and Search Techniques	2 hours
33	(G)	Suicide Prevention and Response	4 hours
34		Total Hours	34 hours
35		Total Course Hours	117 hours

36 (c) Upon completion of a Commission-certified training course for Juvenile Justice Officers the Director of the school
37 conducting the course shall notify the Commission of the training completion by submitting a Report of Training

1 Course Completion for each trainee. The requirements for completion of the Report of Training Course Completion,
2 F-11, is outlined in 12 NCAC 09B .0235.

3 (d) Employees of the Division of Juvenile Justice and Delinquency Prevention who have completed the minimum
4 117 hour training program accredited by the Commission under Rule .0235 of this Section after January 1, 2013 who
5 transfer from a Juvenile Court Counselor position to a Juvenile Justice Officer position shall be required to complete
6 only the portions of the course identified as specific to the duties and responsibilities of a Juvenile Justice Officer
7 pursuant to Subparagraph (b)(2) of this Rule.

8

9 *History Note:* Authority G.S. 17C-2; 17C-6; 17C-10;
10 Temporary Adoption Eff. April 15, 2003;
11 Eff. April 1, 2004;
12 Amended Eff. July 1, 2017; July 1, 2016; August 1, 2015; May 1, 2014;
13 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
14 2019;
15 Amended Eff. May 1, 2025; ~~March 1, 2024~~.

16

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

AGENCY: N.C. Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09C .0205

DEADLINE FOR RECEIPT: April 14, 2025

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

Line 5: Rather than "is used" isn't "shall be used" superior?

Line 13: Which "forms" would those be? Are they required in another rule which could be cited?

Line 13: Are not the "forms" an attachment to the Form F-5A rather than a part of the Form F-5A? Consider making this a Paragraph (b).

Line 14: Any agency executive officer? Or the agency employing the applicant?

Line 14: Why are these words capitalized?

Line 14: "Registered" how? Is there a process for registering them? If so, cite the rule.

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: March 31, 2025

1 12 NCAC 09C .0205 is amended as published in 39:12 NCR 753-763 as follows:

2
3 12 NCAC 09C .0205 ~~REPORT OF APPOINTMENT~~ APPLICATION FOR CERTIFICATION LAW
4 ENFORCEMENT OFFICER

5 The ~~Report of Appointment~~ Application for Certification Law Enforcement Officer (Form F-5A) is used ~~for reporting~~
6 to report the appointment of criminal justice officers and ~~indicating~~ indicate the applicant's progress toward completing
7 the requirements for certification. The Application for Certification Law Enforcement Officer (Form F-5A) shall
8 contain the following information:

- 9 (1) Employing agency identification;
10 (2) Applicant's name, address, date of birth, driver's license number, and social security number;
11 (3) Position for which application is being submitted;
12 (4) Date of hire;
13 (5) Commission forms required for certification; and
14 (6) Signature of Agency Executive Officer or Registered Authorized Representative.

15
16 *History Note: Authority G.S. 17C-6*
17 *Eff. January 1, 1981;*
18 *Temporary Amendment Eff. January 1, 2001;*
19 *Amended Eff. August 1, 2002;*
20 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
21 *2019.*
22 *Amended Eff. May 1, 2025*

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

AGENCY: N.C. Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09C .0208

DEADLINE FOR RECEIPT: April 14, 2025

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:

Line 5: Rather than "is used" isn't "shall be used" superior?

Line 11: Is not the "notice" an attachment to the Form F-5B rather than a part of the Form F-5B? Consider making this a Paragraph (b).

Line 12: Any executive officer? Or the "executive officer" of the employing agency?

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: March 31, 2025

1 12 NCAC 09C .0208 is amended as published in 39:12 NCR 753-763 as follows:

2
3 12 NCAC 09C .0208 **REPORT AFFIDAVIT OF SEPARATION**

4 (a) The Affidavit of Separation ~~and Report of Separation~~ (Form F-5B) shall be used for reporting the date of and
5 reason for the separation of a criminal justice officer from the employing agency. The date of separation shall be the
6 date the criminal justice officer resigned or the date the employing agency terminated the employee. The Affidavit of
7 Separation (Form F-5B) shall contain the following information:

8 (1) separating agency;

9 (2) separating officer, address, date of birth, position, date of final separation;

10 (3) reason for separation;

11 (4) notice to separating officer; and

12 (5) name and signature of executive officer or authorized representative.

13 (b) An agency separating a person from employment or appointment as a criminal justice officer shall, not later than
14 10 days after separation, forward to the Commission a completed Affidavit of ~~Separation and Report of Separation~~.

15
16 *History Note: Authority G.S. 17C-6;*
17 *Eff. January 1, 1981;*
18 *Temporary Amendment Eff. January 1, 2001;*
19 *Amended Eff. October 1, 2018; August 1, 2002;*
20 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
21 *2019.*
22 *Eff. May 1, 2025*
23

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

AGENCY: N.C. Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09C .0306

DEADLINE FOR RECEIPT: April 14, 2025

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 11: Since you have your definitions rule under review as well, why not add in the definition of Commission?

Page 2, Line 29: Where is "law enforcement agency" defined? You have definitions of "agency" and "criminal justice agency" in 12 NCAC 09A .0103. Do you mean either of those?

Page 2, Line 31: Since you have your definitions rule under review as well, why not add in the definition of Division?

Page 3, Line 14: How does the agency "verify" that the applicant has "not committed any criminal offenses" for which the applicant has not been convicted?

Page 3, Lines 14-15: What is a "pending" criminal offense? What do you mean by "criminal offense"? Consider adding a definition to your definitions rule.

Page 3, Line 20: In which rule are the substantive requirements of Form F-9A set forth?

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: March 31, 2025

1 12 NCAC 09C .0306 is being amended as published in 39:12 NCR 753-763 as follows:

2
3 12 NCAC 09C .0306 LATERAL TRANSFER OF IN-STATE LAW ENFORCEMENT OFFICERS

4 (a) A North Carolina law enforcement officer is eligible to transfer with general certification from one law
5 enforcement agency to another law enforcement agency and be certified by the Commission if the officer: either the
6 Criminal Justice Education and Training Standards Commission or the Sheriffs' Education and Training Standards
7 Commission may transfer from one law enforcement agency to another law enforcement agency with less than a 12
8 month break in law enforcement service. Prior to employing an officer who has been separated from his previous
9 agency for more than 30 days, the employing agency shall:

- 10 (1) has completed basic law enforcement training and holds a general certification or probationary
11 certification from the Commission or the Sheriffs' Education and Training Standards Commission;
12 verify the certification of the officer with the Criminal Justice Standards Division or the Sheriffs'
13 Standards Division; and
- 14 (2) has not had more than a 12-month consecutive break in service immediately preceding the current
15 application. submit a new fingerprint check to the North Carolina State Bureau of Investigation, in
16 compliance with the requirements set forth in 12 NCAC 09B .0103(a) and (b), in the same manner
17 as prescribed for non-certified new applicants. No certification shall be transferred if the holder has
18 been convicted since initial certification of any offense for which revocation or suspension of
19 certification is authorized; and
- 20 (3) notify the Commission by submitting a Report of Appointment that the officer is being employed
21 and stating the date on which employment will commence;
- 22 (4) obtain a signed and notarized Release Authorization Form from the transferring officer. The
23 employing agency shall obtain the full personnel file from the previous agency(ies) worked during
24 the previous 24 months and include this content in the background file, minus any medically
25 protected or sensitive material; and
- 26 (5) complete a background investigation on all applicants for employment as set forth in 12 NCAC 09B
27 .0102.

28 (b) ~~For officers who have been separated from their previous agency for more than 30 days, prior to transfer of~~
29 ~~certification law enforcement officers with more than a 30 day gap in employment by an agency shall:~~

- 30 (1) ~~comply with the requirements of 12 NCAC 09B .0104~~
- 31 (2) ~~submit results of the physical examination to the employing agency for placement in the officer's~~
32 ~~permanent personnel file;~~
- 33 (3) ~~produce a negative result on a drug screen administered according to the specifications outlined in~~
34 ~~12 NCAC 09C .0310; and~~
- 35 (4) ~~either:~~
- 36 (A) ~~submit a copy of the Firearms Qualification Record Instructions Form F 9A to the~~
37 ~~employing agency for placement in the officer's permanent personnel file when the duty~~

1 and off duty weapons remain the same as those previously used to qualify. The Form F 9A
2 shall contain the date(s) and instructors signature indicating the law enforcement officer's
3 successful completion of the mandatory firearms classroom training, and the firearms range
4 qualification scores for the duty and off duty weapons assigned to the law enforcement
5 officer. Such in service training compliance shall have occurred within the 12 month period
6 preceding transfer; or

7 (B) — satisfactorily complete the employing agency's in service firearms training program as
8 prescribed in 12 NCAC 09E .0105 and .0106.

9 (c) Prior to employing an officer who has been separated from his previous agency for 30 days or less, the employing
10 agency shall:

11 (1) — verify the certification of the officer with the Criminal Justice Standards Division or the Sheriffs'
12 Standards Division;

13 (2) — review the Form F 5B, Affidavit of Separation from the previous employed agency;

14 (3) — submit a new fingerprint check to the North Carolina State Bureau of Investigation, in compliance
15 with the requirements set forth in 12 NCAC 09B .0103(a) and (b), in the same manner as
16 prescribed for non-certified new applicants. This fingerprint check will be waived once all officers
17 are enrolled in the Federal Bureau of Investigation's Next Generation Identification System and
18 Criminal Justice Record of Arrest and Prosecution Background (RapBack) Service. No certification
19 shall be transferred if the holder has been convicted since initial certification of any offense for
20 which revocation or suspension of certification is authorized;

21 (4) — notify the Commission by submitting a Name/Status Change, Form F 19, that the officer is being
22 employed and stating the date on which the employment will commence. The Name/Status Change,
23 Form f 19, shall contain the officers name, date of birth and Social Security Number on file, and
24 any changes to that information, the agency's name, officer's current status and status changed to,
25 the effective date of change, whether the officer is undercover or not, and the signature and printed
26 name of the submitting agency head or authorized representative, and

27 (5) — satisfactorily complete the employing agency's in service firearms training program as prescribed
28 in 12 NCAC 09E .0105 and .0106.

29 (b) Prior to certification being transferred per this rule, a law enforcement agency considering the applicant for
30 employment as a law enforcement officer shall submit an Application for Lateral Certification, Form F-5D, to the
31 Division reporting that the employing agency has done the following:

32 (1) obtained and forwarded the applicant's fingerprints to the North Carolina State Bureau of
33 Investigation, in compliance with the requirements set forth in 12 NCAC 09B .0102(a) and (b),
34 reviewed the results of the criminal history record check provided as a result, and provided a copy
35 of the results to the Division;

36 (2) completed the AOC-CR280 expungement form and provided the results to the Division;

1 (3) obtained a signed and notarized Authorization for Release of Information Form from the applicant,
2 and reviewed the following documents of the applicant maintained by or on behalf of any North
3 Carolina law enforcement agency where the applicant was employed for any part of the five-year
4 period preceding the current application;

5 (A) the personnel file including confidential information as defined by G.S. 153A-98, G.S.
6 160A-168 and G.S. 126-24;

7 (B) Form F-5B, Affidavit of Separation, if the applicant has separated;

8 (C) Form F-8, Background Investigation; and

9 (D) Any internal investigations.

10 (4) Verified that the applicant:

11 (A) has not had more than a 12-month consecutive break in service immediately preceding the
12 current application;

13 (B) has completed all mandatory in-service training for the preceding calendar year;

14 (C) has not committed any criminal offenses and does not have any convictions or pending
15 criminal offenses that would prohibit certification;

16 (D) has not been the subject of any internal investigation, disciplinary proceeding
17 or pre-disciplinary proceeding, within the last 18 months that contains allegations that
18 could prevent the law enforcement officer's certification; and

19 (E) has qualified pursuant to 09E .0106 of this Subchapter, with the assigned duty weapon
20 which has been recorded on the Firearms Qualification Record, Form F-9A pursuant to
21 09E .0104 of this Subchapter.

22 ~~(d) (c)~~ Officers previously certified who were not previously required to meet the educational or basic training
23 requirements shall not be required to meet such requirements when laterally transferring to another agency with less
24 than a 12-month break in law enforcement service.

25 ~~(e) For currently certified full time officers with no break in service, upon written request from the department head~~
26 ~~of the hiring agency, the Division shall waive for a period of no more than 60 days from the receipt of the Report of~~
27 ~~Appointment by the Standards Division the requirements of Subparagraphs of (b)(1), (b)(2), (b)(3), and (b)(4) of this~~
28 ~~Rule.~~

29
30 *History Note: Authority G.S. 17C-6; 17C-10;*
31 *Eff. January 1, 1981;*
32 *Amended Eff. April 1, 2018; October 1, 2017; May 1, 2009; July 1, 1990; March 1, 1990; July 1,*
33 *1989; July 1, 1982;*
34 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
35 *2019;*
36 *Amended Eff. May 1, 2025; March 1, 2024.*
37

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

AGENCY: N.C. Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09C .0307

DEADLINE FOR RECEIPT: April 14, 2025

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 2, Line 23: Explain the authority to make a retroactive provision effective to March 1, 2024.

Page 2, Line 28: What rule establishes the substantive requirement of Form F-5D?

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: March 31, 2025

1 **12 NCAC 09C .0307 is amended as published in 39:12 NCR 753-763 as follows:**

2
3 **12 NCAC 09C .0307 AGENCY RETENTION OF RECORDS OF CERTIFICATION**

4 (a) Each criminal justice agency shall place information with respect to employment, education, retention, and training
5 of its criminal justice officers in the criminal justice officer's personnel file as listed in Subparagraphs (a)(1) and (a)(2)
6 of this Rule. The files shall be available for examination in five days by representatives of the Commission for
7 verifying compliance with these Rules.

8 (1) Criminal Justice Officer with probationary certification:

9 (A) the officer's Personal History Statement (Form F-3), pursuant to 12 NCAC 09C .0201;

10 (B) the officer's Medical History Statement and Medical Examination Report (Form F-1 and
11 F-2), pursuant to 12 NCAC 09B .0104;

12 (C) documentation of the officer's drug screening results, pursuant to 12 NCAC 09C .0310;

13 (D) the Commission's Mandated Background Investigation Form as completed by the agency's
14 investigator, (Form F-8), pursuant to 12 NCAC 09B .0102;

15 (E) a summary of the officer's Qualifications Appraisal Interview, (Form F-4), prepared by the
16 agency's interviewers, pursuant to 12 NCAC 09C .0204. The Form F-4 identifies the officer
17 candidate interviewed, the position interviewed for, and the interviewer(s)' comments
18 regarding the applicant's appearance, manner, and bearing, ability to present ideas, social
19 adaptability, alertness and judgment, and interviewer(s) recommendation for employment;

20 (F) a copy of all certificates or diplomas obtained, pursuant to 12 NCAC 09B .0106;

21 (G) course listing(s) and completion date(s) of all criminal justice training completed by the
22 officer;

23 (H) the results of the officer's fingerprint record check, pursuant to 12 NCAC 09B .0103;

24 (I) a written summary of the officer's psychological examination results, pursuant to 12 NCAC
25 09B .0101(7);

26 (J) for the law enforcement officer, records of all in-service training received by the officer,
27 as set forth in 12 NCAC 09E .0103(3) and .0110(5) that the officer has completed the
28 minimum in-service training as required;

29 (K) certified copy of proof of age, citizenship, and educational requirements required in 12
30 NCAC 09B .0101;

31 (L) copy of Report of Appointment/Application for Certification (Form F-5A), pursuant to 12
32 NCAC 09C .0205;

33 (M) oath of office, pursuant to 12 NCAC 09C .0303;

34 (N) copy of firearms qualification (Form F-9A), pursuant to 12 NCAC 09E .0106;

35 (O) once separated, a copy of the Affidavit of Separation, Form F-5B), pursuant to 12 NCAC
36 09C .0208; and

37 (P) a copy of the electronic response for the AOC-CR-280, Law Enforcement Application for
38 Verification of Expunction under G.S. 15A-151.

- 1 (2) Criminal Justice Officer with general certification:
- 2 (A) the officer's Medical History Statement and Medical Examination Report (Form F-1 and
- 3 F-2), pursuant to 12 NCAC 09B .0104;
- 4 (B) documentation of the officer's drug screening results, pursuant to 12 NCAC 09C .0310;
- 5 (C) a copy of all certificates or diplomas obtained, pursuant to 12 NCAC 09B .0106;
- 6 (D) course listing(s) and completion date(s) of all criminal justice training completed by the
- 7 officer;
- 8 (E) the results of the officer's fingerprint record check, pursuant to 12 NCAC 09B .0103;
- 9 (F) for the law enforcement officer, records of all in-service training received by the officer,
- 10 as set forth in 12 NCAC 09E .0103(3) and .0110(5) that the officer has completed the
- 11 minimum in-service training as required;
- 12 (G) certified copy of proof of age, citizenship, and educational requirements required in 12
- 13 NCAC 09B .0101;
- 14 (H) copy of Report of Appointment/Application for Certification (Form F-5A), pursuant to 12
- 15 NCAC 09C .0205;
- 16 (I) oath of office, pursuant to 12 NCAC 09C .0303;
- 17 (J) copy of firearms qualification (Form F-9A), pursuant to 12 NCAC 09E .0106;
- 18 (K) once separated, a copy of the Affidavit of Separation, Form F-5B), pursuant to 12 NCAC
- 19 09C .0208; and
- 20 (L) a copy of the electronic response for the AOC-CR-280, Law Enforcement Application for
- 21 Verification of Expunction under G.S. 15A-151.

22 (3) Law Enforcement Officer hired as a lateral officer with probationary or general certification under

23 the provisions of 12 NCAC 09C .0306 effective March 1, 2024:

- 24 (A) the results of the officer's fingerprint record check, pursuant to 12 NCAC 09B .0103;
- 25 (B) records of all in-service training received by the officer, as set forth in 12 NCAC 09E
- 26 .0103(3) and .0110(5) that the officer has completed the minimum in-service training as
- 27 required;
- 28 (C) copy of Change of Name (Form F-19) or Application for Lateral Certification (Form F-
- 29 5D) pursuant to 12 NCAC 09C .0306;
- 30 (D) a copy of the electronic response for the AOC-CR-280, Law Enforcement Application for
- 31 Verification of Expunction under G.S. 15A-151;
- 32 (E) copy of firearms qualification (Form F-9A), pursuant to 12 NCAC 09E .0106;
- 33 (F) once separated, a copy of the Affidavit of Separation (Form F-5B), pursuant to 12 NCAC
- 34 09C .0208;
- 35 (G) basic law enforcement training certificate or record of completion;
- 36 (H) copy of the signed authorization to release records form; and

1 (I) the agency may have performed additional screening and selection tasks, and records for
2 those optional tasks are required to be maintained in the employee's file for audit by the
3 division.

4 (b) These records shall be maintained by the criminal justice agency in compliance with the North Carolina
5 Department of Natural and Cultural Resources Retention and Disposition Schedule established pursuant to G.S. 121
6 and G.S. 132.

7
8 *History Note:* *Authority G.S. 17C-2; 17C-6;*
9 *Eff. January 1, 1981;*
10 *Amended Eff. August 1, 1998; January 1, 1995; July 1, 1990; July 1, 1989; June 1, 1986;*
11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
12 *2019;*
13 *Amended Eff. May 1, 2025 ~~May 1, 2024~~; August 1, 2019.*
14
15

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

AGENCY: N.C. Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09C .0401

DEADLINE FOR RECEIPT: April 14, 2025

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, Lines 4-8: These lines are unnecessarily verbose. Consider: " Any school applying for accreditation or re-accreditation pursuant to G.S. 17C-6 shall submit a completed Request for School Accreditation Form F-10(SA). The Form F-10(SA) is available..."

Page 1, Line 8: Change "must" to "shall."

Page 1, Line 11: Strike "designated." School Director is a define term that includes this.

Page 1, Lines 21-22: Neither the Committee nor the Commission sees the application until the staff deems the school as having satisfied 12 NCAC 09B .0200? How does this not fly in the face of the General Assembly delegating the certification to the Commission?

Page 2, Lines 8-10: What authority does the Probable Cause Committee have over schools seeking, but do not yet have, accreditation by the Commission? Consider striking "accreditation or."

Page 2, Lines 11-12: This sentence appears out of place. Ought not the first sentence of Paragraph (e) be the last Paragraph of the Rule?

Page 2, Line 11: Change "may" to "shall" or state the criteria that the Commission will consider in the exercise of its discretion.

Page 2, Lines 8-20: I do not understand this. How could a suspension order possibly come after service of the order? It is unclear what the agency intends. Does the suspension occur at the time of the order or upon service of the order? How could it be both?

Page 2, Lines 12-13: Ought this not be a separate paragraph?

William W. Peaslee
Commission Counsel

Date submitted to agency: March 31, 2025

Page 2, Line 20: Cite the rule which details “the proceedings.”

Page 2, Lines 26-27: The matter is returned to the Probable Cause Committee for what purpose?

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

1 12 NCAC 09C .0401 is amended as published in 39:06 NCR 317-322 as follows:

2
3 12 NCAC 09C .0401 ~~ACCREDITATION~~ ACCREDITATION OF CRIMINAL JUSTICE SCHOOLS

4 (a) Any school requesting ~~accreditation~~, accreditation or re-accreditation, pursuant to the Commission's authority to
5 certify criminal justice training schools in G.S. 17C-6, as meeting the requirements contained in 12 NCAC 09B .0200
6 must submit a completed Form F-10(SA) Request for School Accreditation. The Form F-10(SA) is available on the
7 agency's website: [http://www.ncdoj.gov/getdoc/9134b822-24a7-4d70-8a3b-b2bd807100c4/F-10\(SA\)-6-11.aspx](http://www.ncdoj.gov/getdoc/9134b822-24a7-4d70-8a3b-b2bd807100c4/F-10(SA)-6-11.aspx). The
8 F-10(SA) Request for School Accreditation must contain the following:

- 9 (1) The name of the requesting institution/agency;
- 10 (2) The mailing address, phone number, and name of the institution head or executive officer;
- 11 (3) The name, title or rank, address and phone number of the designated School Director
- 12 (4) The type of Commission approved training course in which accreditation is being sought;
- 13 (5) The type and location of all facilities to be used in administering the Commission approved training
14 course; and
- 15 (6) The signature of the institution head or executive officer.

16 (b) Upon receipt of a completed Request for School Accreditation application:

- 17 (1) The Standards Division staff reviews the application and conducts a site visit to tour facilities,
18 confirm information on the application, and determine if and where deficiencies exist;
- 19 (2) The Standards Division Staff contacts the applying institution or agency concerning deficiencies
20 and provides assistance on correcting problem areas;
- 21 (3) The Standards Division staff recommends to the Education and Training Committee when the
22 accredited institution has satisfied the requirements outlined in 12 NCAC 09B .0200; and
- 23 (4) The Education and Training Committee recommends to the full Commission at its next regularly
24 scheduled meeting the approval or denial of accreditation for the applicant institution or agency.

25 ~~(b)(c)~~ Accreditation or Re-accreditation of a school shall remain effective for five years from issuance unless earlier
26 suspended or revoked for failure to maintain compliance with the requirements set forth in 12 NCAC 09B .0200,
27 Minimum Standards for Criminal Justice Schools and Criminal Justice Training Programs or Courses of Instruction.

28 ~~(c) The identity of those schools accredited under this Rule are published and distributed by the Standards Division,~~
29 ~~via the agency's website: [http://www.ncdoj.gov/CMSPages/GetFile.aspx?nodeguid=6eb7e157-87f7-40a3-b281-](http://www.ncdoj.gov/CMSPages/GetFile.aspx?nodeguid=6eb7e157-87f7-40a3-b281-d95a36807bb9)~~
30 ~~d95a36807bb9 and the schedule of criminal justice training courses planned for delivery during the succeeding year.~~

31 ~~(d) A school may request reaccreditation from the Commission by submitting a completed Form F-10(SA) Request~~
32 ~~for School Accreditation form, located on the agency's website: [http://ncdoj.gov/getdoc/9134b822-24a7-4d70-8a3b-](http://ncdoj.gov/getdoc/9134b822-24a7-4d70-8a3b-b2bd807100c4/F-10(SA)-6-11.aspx)~~
33 ~~b2bd807100c4/F-10(SA)-6-11.aspx. The Form F-10(SA) shall contain information on changes in facilities,~~
34 ~~equipment, and staffing. Upon receipt of a completed application:~~

- 35 ~~(1) The Standards Division staff reviews the request for reaccreditation, conducts a site visit to tour~~
36 ~~facilities, confirms information on the application, determines if and where deficiencies exist, and~~
37 ~~attaches copies of the reports of site visits to the application;~~

1 ~~it is determined that the school is in compliance with the Rules for Reaccreditation. If the school~~
2 ~~reaccreditation is denied or revoked, the school shall not deliver Commission accredited criminal~~
3 ~~justice courses until such reaccreditation has been granted or reinstated by the Commission.~~

4
5 *History Note: Authority G.S. 17C-6; 17C-11;*
6 *Eff. January 1, 1981;*
7 *Amended Eff. August 1, 2004, January 1, 1996;*
8 *Temporary Amendment Eff. January 1, 2007;*
9 *Temporary Amendment Expired October 13, 2007;*
10 *Amended Eff. February 1, 2016; April 1, 2008;*
11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
12 *2019.*
13 *Temporary Amendment Eff. August 1, 2024*
14 *Amended Eff: May 1, 2025*
15
16

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

AGENCY: N.C. Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09C .0403

DEADLINE FOR RECEIPT: April 14, 2025

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:

Line 8: Cite rule sets forth the substantive requirements of Form F-10A?

Line 12: Cite rule sets forth the substantive requirements of Form F-10B?

Line 21: Cite rule sets forth the substantive requirements of Form F-11?

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: March 31, 2025

1 **12 NCAC 09C .0403 is amended as published in 39:06 NCR 317-322 as follows:**

2
3 **12 NCAC 09C .0403 REPORTS OF TRAINING COURSE PRESENTATION AND COMPLETION**

4 (a) Each presentation of the ~~"Basic Law Enforcement Training"~~ course a Commission-accredited
5 training course shall be reported to the Commission as follows:

6 (1) After acquiring accreditation for the course and before commencing each delivery of the
7 course, the school director shall notify the Commission of the school's intent to offer the
8 training course by submitting a Form ~~F-10A F-10A(LE)~~ Pre-delivery Report of Training
9 Course Presentation; and

10 (2) Not more than 10 days after completing delivery of the accredited course, the school director
11 shall notify the Commission regarding the progress and achievement of each enrolled trainee by
12 submitting a Form ~~F-10B F-10B(LE)~~ Post-delivery Report of Training Course ~~Presentation,~~
13 Presentation and entering all student scores and class documents in the Acadis platform.

14 ~~Forms F-10A(LE) and F-10B(LE) are located on the agency's website at: [http://www.ncdoj.gov/About DOJ/Law](http://www.ncdoj.gov/About%20DOJ/Law%20Enforcement%20Training%20and%20Standards/Criminal%20Justice%20Education%20and%20Training%20Standards/Forms%20and%20Publications.aspx)~~
15 ~~Enforcement Training and Standards/Criminal Justice Education and Training Standards/Forms and~~
16 ~~Publications.aspx.~~

17 ~~Note: Special arrangements shall be made between the Standards Division and the school director for the~~
18 ~~reporting of law enforcement achievement in a Public Safety Officer course.~~

19 (b) Upon completion of a Commission-accredited training course by Juvenile Justice Officer and Chief/Juvenile
20 Court Counselor trainees, the director of the school conducting such course shall notify the Commission of the
21 achievement of trainees by submitting a Report of Training Course Completion (Form F-11). ~~This form is located~~
22 ~~on the agency's website: [http://www.ncdoj.gov/getattachment/fbf3480e-05a1-4e0c-a81a-04070dea6199/F-11-](http://www.ncdoj.gov/getattachment/fbf3480e-05a1-4e0c-a81a-04070dea6199/F-11-Form_10-2-14.pdf.aspx)~~
23 ~~Form_10-2-14.pdf.aspx.~~

24
25 *History Note: Authority G.S. 17C-6; 17C-10;*

26 *Eff. January 1, 1981;*

27 *Amended Eff. January 1, 2015; August 1, 2002; August 1, 2000; December 1, 1987;*

28 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
29 *~~2019, 2019;~~*

30 *Amended Eff. May 1, 2025.*

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

AGENCY: N.C. Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09E .0104

DEADLINE FOR RECEIPT: April 14, 2025

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, Lines 4-14: As written, if an instructor who teaches CPR, incident command service training, etc. does not have to have certification even if the instructor teaches other courses (those that usually require a certification). Is that what the agency intended?

Page 1, Lines 15-19: Consider making this (2).

Page 1, Line 17: How is competence evaluated? What criteria is considered? It appears to be more than simply "remaining current."

Page 1, Lines 26-29: These lines appear out of place. The topic of the rule is the requirements and responsibilities of instructors. Consider whether this is the best rule for these lines or making it its own Paragraph.

Page 1, Lines 30-31: "shall complete mandated in-service topics..." How do you complete a "topic"?

Page 1, Lines 30-31: "Mandated" by who or what? These rules?

Page 1, Lines 30-31: Does not the word "complete" mean "in their entirety"?

Page 2, Lines 3-4: It is unclear whether the agency is regulating what must be in form or what the officer is required to do.

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: March 31, 2025

1 **12 NCAC 09E .0104 is amended as published in 39:12 NCR 753-763 as follows:**

2
3 **12 NCAC 09E .0104 INSTRUCTORS: ANNUAL IN-SERVICE TRAINING**

4 The following requirements and responsibilities are hereby established for instructors who conduct the law
5 enforcement officers' annual in-service training program:

- 6 (1) The instructor shall hold Instructor Certification issued by the Commission as outlined in 12 NCAC
7 09B .0302, 09B .0304, and 09B .0306, except for instructors:
- 8 (A) delivering CPR certifications that include cognitive and skills testing;
 - 9 (B) delivering use of equipment training conducted by a manufacturer, manufacturer's
10 representative or a service provider and documented through a certificate of completion;
11 or
 - 12 (C) delivering Incident Command System training for NIMS (National Incident Management
13 System) compliance who are certified through FEMA (Federal Emergency Management
14 Agency) as Incident Command Instructors.

15 In addition, each instructor certified by the Commission to teach in a Commission-accredited basic training,
16 Speed Measuring Instrument Operator or Instructor training, Instructor or Specialized Instructor training, or
17 ~~Commission-recognized~~ Commission-approved in-service training course shall remain competent in his or
18 her specific or specialty areas. Such competence includes remaining current in the instructor's area of
19 expertise, which may be demonstrated by completing all instructor updates issued by the Commission.

- 20 (2) Instructors who teach a required in-service training topic, other than a topic taught pursuant to
21 Paragraph (1) of this Rule, ~~or a Firearms Training and Qualification course pursuant to Rule~~
22 ~~.0105(a)(1) of this Section,~~ rule shall achieve a passing grade on a topic specific test developed by
23 the North Carolina Justice Academy or by the agency delivering the ~~training,~~ training before
24 ~~delivering the topic of instruction.~~ delivering the topic of instruction. Instructors who teach a required in-service training topic online
25 shall also complete the in-service training for the topic he or she will be ~~teaching,~~ teaching before
26 ~~delivering the topic of instruction.~~ delivering the topic of instruction. Instructors who teach an in-service training topic in a traditional
27 classroom format will receive credit toward their own in-service training requirements, provided
28 that they pass all required ~~tests~~ tests, as outlined in this section, and have their instruction
29 documented by the ~~Department~~ Agency Head or In-Service Training Coordinator once completed.
- 30 (3) ~~Instructors who, no more than 60 days prior to the upcoming calendar year, shall complete mandated~~
31 ~~in-service topics in their entirety pursuant to 12 NCAC 09E .0105 as presented by the North Carolina~~
32 ~~Justice Academy as part of the Instructor Training Update program. ~~program shall have satisfied the~~~~
33 ~~requirements of 12 NCAC 09E .0105 for the upcoming calendar year.~~
- 34 (4) The instructor shall deliver the training consistent with the specifications established in ~~Rules~~ Rule
35 ~~09E .0105 and .0106.~~
- 36 (5) The instructor shall report the successful or unsuccessful completion of training for each officer to
37 the ~~Department~~ Agency Head.

1 (6) When the officer fails to qualify with a weapon, the instructor shall inform the officer that the officer
2 did not qualify and the instructor shall deliver a Commission form F-9A (Firearms Qualification
3 and Record) to the officer that shall be signed by the officer. This form shall instruct the officer not
4 to use the weapon and shall require the officer to notify the ~~Department~~ Agency Head or designated
5 representative within 24 hours of the failure to qualify. The instructor shall ~~personally deliver~~
6 provide this form ~~or send the form by certified mail~~ to the ~~Department head~~ Agency Head or
7 designated representative within 72 hours of the failure to qualify. The Form F-9A Firearms
8 Qualification Record shall contain the following:

9 (A) officer's name and appointing agency;

10 (B) instructor's name and signature;

11 (C) date the classroom section was completed;

12 (D) officer's acknowledgment of qualification scores; and

13 (E) firearms score sheet.

14 All Commission forms are available for download on the Criminal Justice Standards Division website:
15 <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>.

16
17 *History Note:* *Authority G.S. 17C-6; 17C-10;*
18 *Eff. July 1, 1989;*
19 *Amended Eff. July 1, 2016; May 1, 2014; February 1, 2013; April 1, 2008; January 1, 2006; January*
20 *1, 2005;*
21 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
22 *2019;*
23 *Amended Eff. May 1, 2025; July 1, 2020.*
24

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

AGENCY: N.C. Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09E .0108

DEADLINE FOR RECEIPT: March 14, 2025

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:

Generally, to the Rule: This could be written more concisely and clear. Consider re-writing it.

Page 1, Line 5: "...as adopted by and published by the Commission..." Pursuant to what Rule?

Page 1, Line 6: Consider making a new paragraph with "when..."

Page 1, Line 9: Add a citation to the rule by which instructors are certified.

Page 1, Lines 29-3: Is there any requirement that the Standards Division Director be notified?

Page 1, Lines 32: Don't you mean Paragraph (c)?

Page 3, Line 1: Shouldn't this be "agency head"?

Page 3, Lines 6 and 11: What are the in-service training topics? Is there a rule? It appears the agency repealed 12 NCAC 09E .0102.

Page 3, Line 12: Notification to whom?

Page 3, Line 13: Suspension by whom?

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: March 31, 2025

1 **12 NCAC 09E.0108 is amended as published in 39:12 NCR 753-763 as follows:**

2
3 **12 NCAC 09E .0108 FAILURE TO COMPLETE ANNUAL IN-SERVICE TRAINING**

4 (a) Law enforcement officers certified by the North Carolina Criminal Justice Education and Training Standards
5 Commission shall complete a minimum of 24 in-service training credits each year as adopted by and published by the
6 Commission. When the Commission specifies topics [for] that total less than 24 [hours,] credits for a specific year,
7 the remaining training [hours] credits shall be in topics identified by their respective agency heads. In selecting the
8 remaining training credits, the [The] agency head may choose any topic, provided the lesson plan is written in
9 Instructional Systems Design format and is taught by an instructor who is certified by the Commission. Alternatively,
10 in selecting the remaining training credits, the agency head may choose any topic: (1) [topics] delivered pursuant to
11 Rule .0104(1) of this [Section] Section, and (2) National Certification Programs (NCP) administered by the
12 International Association of Directors of Law Enforcement Standards and Training (IADLEST) completed during [the
13 mandated in service] that specific year, [shall satisfy in part or in whole the topic requirements set forth by the agency
14 head. To satisfy this requirement, these] topics shall not be required to be written in Instructional Systems Design
15 format or delivered by an instructor certified by the Commission. With the exception of those law enforcement officers
16 who were hired on or after July 1st, pursuant to 12 NCAC 09E .0103(2), failure Failure to successfully complete the
17 annual in-service training topics as specified in 12 NCAC 09E .0102 within the calendar year shall result in suspension
18 of the law enforcement officer's certification.

19 (b) Completion of training shall be demonstrated by passing a written test for each in-service training topic, as follows:

- 20 (1) A written test comprised of at least five questions per credit shall be developed by the North Carolina
21 Justice Academy or the approved curriculum developer having received NJP approval for each in-
22 service topic requiring testing. The Firearms and Qualifications in-service course and topics
23 delivered pursuant to Rule .0104 of this Section shall be exempt from this written test requirement;
24 (2) A student shall pass each test by achieving at least 70 percent correct answers; and
25 (3) A student who completes a topic of in-service training in a traditional classroom setting or online
26 and fails the end-of-topic exam shall be given one attempt to re-test. If the student fails the exam a
27 second time, the student shall complete the in-service training topic in a traditional classroom setting
28 before taking the exam a third time.

29 (b) (c) Upon notification that a law enforcement officer who has been continuously employed with an agency during
30 the 12 month calendar year has failed to meet the requirements for in-service training, as specified in 12 NCAC 09E
31 .0102, the officer's certification shall be suspended by the Standards Division Director.

32 (e) (d) No officer suspended under Paragraph (b) of this Rule shall work as a certified law enforcement officer until:

- 33 (1) the department head or designated representative forwards to the Commission documentary
34 evidence verifying that the officer has complied with the requirements for reinstatement of
35 certification as specified in this subsection; and

1 (2) the department head or designated representative and the officer receive from the Commission
2 documentation that the Commission has terminated the suspension and reissued law enforcement
3 certification to the suspended officer.

4 ~~(d)~~ (e) If an officer has separated from an agency with less than a 12-month break in law enforcement service and is
5 later reemployed as a law enforcement officer during the same calendar year, the officer shall have completed all of
6 the in-service training topics ~~as specified in 12 NCAC 09E .0102~~ by the end of that same calendar year. Upon
7 notification that such officer has failed to meet all the requirements for in-service training, ~~as specified in 12 NCAC~~
8 ~~09E .0102~~, the law enforcement officer's certification shall be suspended.

9 ~~(e)~~ (f) If an officer has separated from an agency with less than a 12 month break in law enforcement service and is
10 later reemployed as a law enforcement officer during the subsequent calendar year, the officer shall have completed
11 all of the in-service training topics ~~as specified in 12 NCAC 09E .0102~~ by the end of the subsequent calendar year.
12 Upon notification that such officer has failed to meet all the requirements for in-service training, ~~as specified in 12~~
13 ~~NCAC 09E .0102~~, the law enforcement officer's certification shall be suspended.

14
15 *History Note: Authority G.S. 17C-6; 17C-10;*
16 *Eff. January 1, 2005;*
17 *Amended Eff. April 1, 2006;*
18 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
19 *2019.*
20 *Amended Eff. May 1, 2025*
21

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

AGENCY: N.C. Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09G .0102

DEADLINE FOR RECEIPT: April 14, 2025

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 9: Define "administrative body"?

Page 2: Lines 5-24: Class A Misdemeanor is defined but the term is not used anywhere in Subchapter 09G. Why is this necessary?

Page 2, Lines 20-24: Are any acts committed prior to October 1, 1994 relevant to any of the rules in Subchapter 9G.

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: March 31, 2025

1 **12 NCAC 09G .0102 is amended as published in 39:12 NCR 753-763 as follows:**

2
3 **12 NCAC 09G .0102 DEFINITIONS**

4 The following definitions apply throughout this Subchapter only:

- 5 (1) "Agency" means those state and local agencies identified in G.S. 17C-2(2).
- 6 (2) "Commission" means the North Carolina Criminal Justice Education and Training Standards
7 Commission identified in G.S. 17C.
- 8 (3) "Commission of an offense" means a finding by the North Carolina Criminal Justice Education and
9 Training Standards Commission or an administrative body that a person performed the acts
10 necessary to satisfy the elements of a specified offense.
- 11 (4) "Convicted" or "Conviction" means, the entry of:
- 12 (a) a plea of guilty;
- 13 (b) a verdict or finding of guilt by a jury, judge, magistrate, or other duly constituted,
14 established adjudicating body, tribunal, or official, either civilian or military; or
- 15 (c) a plea of no contest, nolo contendere, or the equivalent.
- 16 (5) "Correctional Officer" means an employee of the North Carolina Department of ~~Public Safety,~~
17 ~~Division of Adult Correction and Juvenile Justice,~~ Correction, responsible for the custody of inmates
18 or offenders.
- 19 (6) "Corrections Officer" means either or both of the two classes of officers employed by the North
20 Carolina Department of ~~Public Safety, Division of Adult~~ Correction; ~~Correction and Juvenile~~
21 ~~Justice~~; correctional officer or probation/parole officer.
- 22 (7) "Criminal Justice System" means the whole of the State and local criminal justice agencies including
23 the North Carolina Department of ~~Public Safety, Division of Adult Correction and Juvenile Justice,~~
24 Correction.
- 25 (8) "Director" means the Director of the Criminal Justice Standards Division of the North Carolina
26 Department of Justice.
- 27 (9) "Educational Points" means points earned toward the State Correction Officers' Professional
28 Certificate Program for studies completed, with passing scores achieved, for semester hour or
29 quarter hour credit awarded from colleges or universities accredited by the Department of Education
30 of the state in which the institution is located, from an accredited body recognized by either the U.S.
31 Department of Education or the Council for Higher Education Accreditation, or from the state
32 university of the state in which the institution is located. Each semester hour of college credit equals
33 one educational point and each quarter hour of college credit equals two-thirds of an educational
34 point.
- 35 (10) "High School" means a high school that meets the compulsory attendance requirements in the
36 jurisdiction in which the school is located.

1 (11) "In-Service Training Coordinator" means a person designated by a Criminal Justice Agency head to
2 administer the agency's In-Service Training program.

3 (12) "Misdemeanor" means those criminal offenses not classified under the laws, statutes, or ordinances
4 as felonies. Misdemeanor offenses are classified by the Commission as follows:

5 (a) "Class A Misdemeanor" means a misdemeanor committed or omitted in violation of any
6 common law, duly-enacted ordinance, or criminal statute of this State that is not classified
7 as a Class B Misdemeanor pursuant to Sub-item (12)(b) of this Rule. Class A Misdemeanor
8 also includes any act committed or omitted in violation of any common law, duly enacted
9 ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North
10 Carolina, either civil or military, for which the maximum punishment allowable for the
11 designated offense under the laws, statutes, or ordinances of the jurisdiction in which the
12 offense occurred includes imprisonment for a term of not more than six months. Excluded
13 from "Class A Misdemeanor" criminal offenses for jurisdictions other than North Carolina
14 are motor vehicle or traffic offenses designated as misdemeanors under the laws of other
15 jurisdictions or duly enacted ordinances of an authorized governmental entity, with the
16 exception of the offense of impaired driving that is included herein as a Class A
17 Misdemeanor if the offender could have been sentenced for a term of not more than six
18 months. Also included herein as a Class A Misdemeanor is the offense of impaired driving,
19 if the offender was sentenced under punishment level three G.S. 20-179(i), level four G.S.
20 20-179(j), or level five G.S. 20-179(k). Class A Misdemeanor shall also include acts
21 committed or omitted in North Carolina prior to October 1, 1994, in violation of any
22 common law, duly enacted ordinance, or criminal statute of this State for which the
23 maximum punishment allowable for the designated offense included imprisonment for a
24 term of not more than six months.

25 (b) "Class B Misdemeanor" means an act committed or omitted in violation of any common
26 law, criminal statute, or criminal traffic code of this State that is classified as a Class B
27 Misdemeanor as set forth in the Department of Adult Correction section of the Class B
28 Misdemeanor Manual as published by the North Carolina Department of Justice,
29 incorporated herein by reference, and shall include any later amendments and editions of
30 the incorporated material as provided by G.S. 150B-21.6. The publication is available from
31 the Commission's website: <http://www.ncdoj.gov/getdoc/60bb12ca-47c0-48cb-a0e3-6095183c4c2a/Class-B-Misdemeanor-Manual-2005.aspx>. Class B Misdemeanor also
32 includes any act committed or omitted in violation of any common law, duly enacted
33 ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North
34 Carolina, either civil or military, for which the maximum punishment allowable for the
35 designated offense under the laws, statutes, or ordinances of the jurisdiction in which the
36 offense occurred includes imprisonment for a term of more than six months but not more
37

1 than two years. Excluded from this grouping of "Class B Misdemeanor" criminal offenses
2 for jurisdictions other than North Carolina, are motor vehicle or traffic offenses designated
3 as being misdemeanors under the laws of other jurisdictions with the following exceptions:
4 Class B Misdemeanor includes the following:

- 5 (i) either first or subsequent offenses of driving while impaired if the maximum
6 allowable punishment is for a term of more than six months but not more than two
7 years;
- 8 (ii) driving while license permanently revoked or permanently suspended;
- 9 (iii) those traffic offenses occurring in other jurisdictions which are comparable to the
10 traffic offenses specifically listed in the Class B Misdemeanor Manual; and
- 11 (iv) an act committed or omitted in North Carolina prior to October 1, 1994, in
12 violation of any common law, duly enacted ordinance, criminal statute, or
13 criminal traffic code of this State for which the maximum punishment allowable
14 for the designated offense included imprisonment for a term of more than six
15 months but not more than two years.

16 (13) "Pilot Courses" means those courses approved by the Education and Training Committee, consistent
17 with 12 NCAC 09G .0404, which are used to develop new training course curricula.

18 (14) "Probation/Parole Officer" means an employee of the North Carolina Department of ~~Public Safety,~~
19 ~~Division of Adult Correction and Juvenile Justice,~~ Correction, whose duties include supervising,
20 evaluating, or otherwise instructing offenders placed on probation, parole, post release supervision,
21 or assigned to any other community-based program operated by the ~~Division~~ Department of Adult
22 ~~Correction and Juvenile Justice.~~ Correction.

23 (15) "Qualified Assistant" means an additional staff person designated as such by the School Director to
24 assist in the administration of a course when a certified institution or agency assigns additional
25 responsibilities to the certified School Director during the planning, development, and
26 implementation of a certified course.

27 (16) "School" means an institution, college, university, academy, or agency that offers penal or
28 corrections training for correctional officers or probation/parole officers. "School" includes the
29 corrections training course curricula, instructors, and facilities.

30 (17) "School Director" means the person designated by the Secretary of the North Carolina Department
31 of ~~Public Safety, Division of Adult Correction and Juvenile Justice~~ to administer the School.

32 (18) "Standards Division" means the Criminal Justice Standards Division of the North Carolina
33 Department of Justice.

34 (19) ~~"State Corrections Training Points" means points earned toward the State Corrections Officers'~~
35 ~~Professional Certificate Program by completion of Commission approved corrections training~~
36 ~~courses. Twenty classroom hours of Commission approved corrections training equals one State~~
37 ~~Corrections training point.~~

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*History Note: Authority G.S. 17C-2; 17C-6; 17C-10; 153A-217;
Temporary Adoption Eff. January 1, 2001;
Eff. August 1, 2002;
Amended Eff. December 1, 2018; January 1, 2017; January 1, 2015; April 1, 2009; August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
2019;
Amended Eff. May 1, 2025; ~~May 1, 2023~~.*

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

AGENCY: N.C. Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09G .0303

DEADLINE FOR RECEIPT: April 14, 2025

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 4: Delete or define "active."

Page 1, Line 5: Employment by whom?

Page 1, Lines 8, 9, and 13: Which rule sets forth the substantive requirements of the Form F-5A (DAC)?

Page 1, Line 19: Maintained by whom? Consider re-writing this in the active voice.

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: March 31, 2025

1 **12 NCAC 09G .0303 is amended as published in 39:12 NCR 753-763 as follows:**

2
3 **12 NCAC 09G .0303 PROBATIONARY CERTIFICATION**

4 (a) A prospective employee may commence active service as a correctional officer or probation/parole officer at the
5 time of employment.

6 (b) Within 90 days of appointment to a position for which the Commission requires certification, the North Carolina
7 Department of ~~Public Safety, Division of Adult Correction and Juvenile Justice~~ shall submit a completed Report of
8 Appointment/Application for Certification (F-5A DAC) to the Standards Division. The Report of
9 Appointment/Application for Certification (F-5A DAC) includes information regarding the appointee's personal
10 identification, education, military service record, and any criminal convictions.

11 (c) The Commission shall certify as a probationary officer a person meeting the standards for certification when the
12 North Carolina Department of ~~Public Safety, Division of Adult Correction and Juvenile Justice~~ submits a completed
13 Report of Appointment/Application for Certification (Form F-5A DAC) to the Standards Division.

14 (d) The Standards Division shall issue the officer's Probationary Certification to the North Carolina Department of
15 ~~Public Safety, Division of Adult Correction and Juvenile Justice.~~ Correction.

16 (e) The officer's Probationary Certification shall remain valid for one year from the date the certification is issued by
17 the Standards Division unless sooner suspended or revoked pursuant to Rule .0503 of this Subchapter or the officer
18 has attained General Certification.

19 (f) Documentation of Probationary Certification shall be maintained with the officer's personnel records with the
20 North Carolina Department of ~~Public Safety, Division of Adult Correction and Juvenile Justice~~ and the Commission.

21
22 *History Note: Authority G.S. 17C-6; 17C-10;*
23 *Temporary Adoption Eff. January 1, 2001;*
24 *Eff. August 1, 2002;*
25 *Amended Eff. January 1, 2015; August 1, 2004;*
26 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
27 *2019.*
28 *Amended Eff. May 1, 2025*
29