

Burgos, Alexander N

Subject: FW: [External] RRC Recommended Change Responses and Draft Rules

From: Schilling, Michelle <mschilling@ncdoj.gov>

Sent: Wednesday, April 16, 2025 9:39 AM

To: Peaslee, William W <bill.peaslee@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: Re: [External] RRC Recommended Change Responses and Draft Rules

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Thank you, sir.



MICHELLE SCHILLING

Deputy Director

Criminal Justice Standards Division

Office: (919) 779-8205

MSchilling@ncdoj.gov

1700 Tryon Park Drive

Raleigh, NC 27602-0149

ncdoj.gov

Please note messages to or from this address may be public records.

From: Peaslee, William W <bill.peaslee@oah.nc.gov>

Sent: Wednesday, April 16, 2025 9:25 AM

To: Schilling, Michelle <mschilling@ncdoj.gov>; Rules, Oah <oah.rules@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: [External] RRC Recommended Change Responses and Draft Rules

Yes, 09B .0235 and .0236 are recommended for approval as originally filed.

William W. Peaslee

Rules Review Commission Counsel / Legislative Liaison

Office of Administrative Hearings

1711 New Hope Church Road

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(984) 236-1939

Bill.Peaslee@oah.nc.gov

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Burgos, Alexander N

Subject: FW: [External] RRC Recommended Change Responses and Draft Rules

From: Schilling, Michelle <mschilling@ncdoj.gov>

Sent: Tuesday, April 15, 2025 2:38 PM

To: Peaslee, William W <bill.peaslee@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: Re: [External] RRC Recommended Change Responses and Draft Rules

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09B .0235 and 09B .0236

You didn't have any changes to these.



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Deputy Director

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Raleigh, NC 27602-0149

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From: Peaslee, William W <bill.peaslee@oah.nc.gov>

Sent: Tuesday, April 15, 2025 2:33 PM

To: Rules, Oah <oah.rules@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Schilling, Michelle <mschilling@ncdoj.gov>

Subject: FW: [External] RRC Recommended Change Responses and Draft Rules

Good afternoon,

It is my intention to recommend approval of the attached rule as revised.

I believe all rules have been accounted for.

If you have any questions please feel free to contact me.

William W. Peaslee
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1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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Burgos, Alexander N

Subject: FW: [External] Re: 12 NCAC 09E .0108

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Tuesday, April 15, 2025 2:31 PM
To: Schilling, Michelle <mschilling@ncdoj.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Cardoza, Holly <hcardoza@ncdoj.gov>
Subject: RE: [External] Re: 12 NCAC 09E .0108

Thank you. I appreciate it.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
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1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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From: Schilling, Michelle <mschilling@ncdoj.gov>
Sent: Tuesday, April 15, 2025 2:26 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Cardoza, Holly <hcardoza@ncdoj.gov>
Subject: [External] Re: 12 NCAC 09E .0108

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Good afternoon,

Per NCGS 150B(1)(d)

SECTION 2. G.S. 150B-1(d) reads as rewritten:

"(d) Exemptions from Rule Making. – Article 2A of this Chapter does not apply to the following:

(6a) The Criminal Justice Education and Training Standards Commission with 27 respect to establishing minimum standards for in-service training for criminal 28 justice officers under G.S. 17C-6(a)(14). 29

Respectfully,

Michelle



MICHELLE SCHILLING

Deputy Director

Criminal Justice Standards Division

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MSchilling@ncdoj.gov

1700 Tryon Park Drive

Raleigh, NC 27602-0149

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From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Tuesday, April 15, 2025 12:07 PM
To: Schilling, Michelle <mschilling@ncdoj.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Cardoza, Holly <hcardoza@NCDOJ.GOV>
Subject: 12 NCAC 09E .0108

In the above captioned rule:

Line 5 appears to state that the Commission will “publish” certain “24 in-service credits” each year. This sounds like the Commission is changing the training credits each year by publication and not by rule adoption. I also appears that the specific credits are substantive requirements. Explain why these substantive requirements can evade the APA adoption process.

Thank you in advance for your prompt response.

William W. Peaslee

Rules Review Commission Counsel / Legislative Liaison

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1711 New Hope Church Road

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Bill.Peaslee@oah.nc.gov

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Burgos, Alexander N

Subject: FW: [External] Re: 12 NCAC 09E .0104
Attachments: 12 NCAC 09E .0104.docx

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Tuesday, April 15, 2025 2:07 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Schilling, Michelle <mschilling@ncdoj.gov>; Cardoza, Holly <hcardoza@ncdoj.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: FW: [External] Re: 12 NCAC 09E .0104

Good afternoon,

It is my intention to recommend approval of the attached rule as revised.

As always if you have any questions please feel free to contact me.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
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Burgos, Alexander N

Subject: FW: [External] RRC Recommended Change Responses and Draft Rules
Attachments: 12 NCAC 09C .0401 Accreditation of Criminal Justice Schools .docx

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Tuesday, April 15, 2025 2:05 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Cardoza, Holly <hcardoza@ncdoj.gov>; Schilling, Michelle <mschilling@ncdoj.gov>
Subject: FW: [External] RRC Recommended Change Responses and Draft Rules

Good afternoon,

It is my intention to recommend approval of the attached rules as revised.

If you have any questions please feel free to contact me.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
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Burgos, Alexander N

Subject: FW: [External] Re: 12 NCAC 09E .0104
Attachments: 12 NCAC 09E .0104.docx

From: Cardoza, Holly <hcardoza@NCDOJ.GOV>
Sent: Tuesday, April 15, 2025 1:59 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>; Schilling, Michelle <mschilling@ncdoj.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] Re: 12 NCAC 09E .0104

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Please see the attached document with the recommended language incorporated.

Thank you,

Holly Cardoza



Holly M. Cardoza

Research & Planning Administrative Specialist

Criminal Justice Standards Division

(603)732-7790 (cell)

hcardoza@ncdoj.gov

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

21 (2)(3) Instructors who teach a required in-service training topic, other than a topic taught pursuant to
22 Paragraph (1) of this ~~Rule,~~ or a ~~Firearms Training and Qualification course pursuant to Rule~~
23 ~~.0105(a)(1) of this Section,~~ rule shall achieve a passing grade on a topic specific test developed by
24 the North Carolina Justice Academy or by the agency delivering the ~~training.~~ training before
25 delivering the topic of instruction.

26 (4) Instructors who teach a required in-service training topic online shall also complete the in-service
27 training for the topic he or she will be ~~teaching.~~ teaching before delivering the topic of instruction.

28 (5) Instructors who teach an in-service training topic in a traditional classroom format will receive credit
29 toward their own in-service training requirements, provided that they pass all required ~~tests~~ tests, as
30 outlined in this section, and have their instruction documented by the ~~Department~~ Agency Head or
31 In-Service Training Coordinator once completed.

32 (3) ~~Instructors who, no more than 60 days prior to the upcoming calendar year, [shall] complete~~
33 ~~mandated in service topics in their entirety pursuant to 12 NCAC 09E .0105 as presented by the~~
34 ~~North Carolina Justice Academy as part of the Instructor Training Update program.~~ program shall
35 have satisfied the requirements of 12 NCAC 09E .0105 for the upcoming calendar year.

36 (4) (6) The instructor shall deliver the training consistent with the specifications established in ~~Rules~~ Rule
37 09E .0105 and .0106.

1 ~~(5)~~ (7) The instructor shall report the successful or unsuccessful completion of training for each officer to
2 the ~~Department~~ Agency Head.

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

- 13 (A) officer's name and appointing agency;
- 14 (B) instructor's name and signature;
- 15 (C) date the classroom section was completed;
- 16 (D) officer's acknowledgment of qualification scores; and
- 17 (E) firearms score sheet.

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

20
21 *History Note:* *Authority G.S. 17C-6; 17C-10;*
22 *Eff. July 1, 1989;*
23 *Amended Eff. July 1, 2016; May 1, 2014; February 1, 2013; April 1, 2008; January 1, 2006; January*
24 *1, 2005;*
25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
26 *2019;*
27 *Amended Eff. May 1, 2025; July 1, 2020.*
28

Burgos, Alexander N

Subject: FW: 12 NCAC 09E .0104

From: Peaslee, William W <bill.peaslee@oah.nc.gov>

Sent: Tuesday, April 15, 2025 1:02 PM

To: Schilling, Michelle <mschilling@ncdoj.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Cardoza, Holly <hcardoza@ncdoj.gov>

Subject: 12 NCAC 09E .0104

In the above captioned rule:

Lines 18-20: Instructors are required to remain “proficient.” Proficiency “includes” staying up-to-date. What else is included? How the Commission defines proficiency and how it is tested is ambiguous. What criteria is the Commission using in making the proficiency determination?

Staying up-to-date can be demonstrated by completing all instructor “update requirements issued by the Commission.” The Commission cannot simply issue substantive requirements. They must be adopted. What rule establishes those requirements?

Consider: “Each instructor certified by the Commission to teach a Commission-accredited basic training, speed measuring instrument operator or instructor, instructor or specialized instructor training, or Commission-approved in-service training shall complete all instructor training required by this Chapter.”

Thank you in advance for your prompt response.

William W. Peaslee

Rules Review Commission Counsel / Legislative Liaison

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Bill.Peaslee@oah.nc.gov

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Burgos, Alexander N

Subject: FW: 12 NCAC 09E .0108

From: Peaslee, William W <bill.peaslee@oah.nc.gov>

Sent: Tuesday, April 15, 2025 12:07 PM

To: Schilling, Michelle <mschilling@ncdoj.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Cardoza, Holly <hcardoza@ncdoj.gov>

Subject: 12 NCAC 09E .0108

In the above captioned rule:

Line 5 appears to state that the Commission will “publish” certain “24 in-service credits” each year. This sounds like the Commission is changing the training credits each year by publication and not by rule adoption. I also appears that the specific credits are substantive requirements. Explain why these substantive requirements can evade the APA adoption process.

Thank you in advance for your prompt response.

William W. Peaslee

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Bill.Peaslee@oah.nc.gov

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Burgos, Alexander N

Subject: FW: [External] Re: 12 NCAC 09C .0403
Attachments: 12 NCAC 09C .0403 Reports of Training Course Enrollment and Presentation.docx

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Tuesday, April 15, 2025 11:36 AM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Schilling, Michelle <mschilling@ncdoj.gov>; Cardoza, Holly <hcardoza@ncdoj.gov>
Subject: FW: [External] Re: 12 NCAC 09C .0403

Good afternoon,

It is my intention to recommend approval of the attached rule as revised.

If you have any questions please feel free to contact me.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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Burgos, Alexander N

Subject: FW: [External] Re: 12 NCAC 09C .0403
Attachments: 12 NCAC 09C .0403 Reports of Training Course Enrollment and Presentation.docx

From: Cardoza, Holly <hcardoza@NCDOJ.GOV>
Sent: Tuesday, April 15, 2025 11:19 AM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>; Schilling, Michelle <mschilling@ncdoj.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] Re: 12 NCAC 09C .0403

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Please see the attached document with the corrected citation.

Thank you,

Holly



Holly M. Cardoza

Research & Planning Administrative Specialist

Criminal Justice Standards Division

(603)732-7790 (cell)

hcardoza@ncdoj.gov

1700 Tryon Park Drive

Raleigh, North Carolina 27610

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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; Presentation. The Pre-Delivery Report of Training Course Presentation~~
10 ~~Form F-10A shall contain the number of training hours, training delivery period, location of~~
11 ~~training, and estimated number of attendees;~~ and

12 (2) Not more than 10 days after completing delivery of the accredited course, the school director
13 shall notify the Commission regarding the progress and achievement of each enrolled trainee by
14 submitting a Form ~~F-10B F-10B(LE)~~-Post-delivery Report of Training Course ~~Presentation.~~
15 ~~[Presentation] Presentation, pursuant to 12 NCAC 09C .0212,~~ and entering all student scores
16 ~~and class documents in the Acadis platform.~~

17 ~~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-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and-Publications.aspx)~~
18 ~~Enforcement-Training-and-Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and-~~
19 ~~Publications.aspx.~~

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

22 (b) Upon completion of a Commission-accredited training course by Juvenile Justice Officer and Chief/Juvenile
23 Court Counselor trainees, the director of the school conducting such course shall notify the Commission of the
24 achievement of trainees by submitting a Report of Training Course Completion (~~Form F-11~~), ~~Form F-11, pursuant~~
25 ~~to 12 NCAC 09B .0235.~~ This form is located on the agency's website:-

26 ~~http://www.ncdoj.gov/getattachment/fbf3480c-05a1-4e0c-a81a-04070dea6199/F-11-Form_10-2-14.pdf.aspx.~~

27
28 *History Note: Authority G.S. 17C-6; 17C-10;*

29 *Eff. January 1, 1981;*

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

31 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,-*
32 *~~2019.~~ 2019;*

33 *Amended Eff. May 1, 2025.*

34
35
36 ~~The Pre-delivery Report of Training Course Presentation is a form on which the School Director notifies the~~
37 ~~Commission of its intent to present the Basic Law Enforcement Training course. Information requested includes:~~

- 1 ~~(1) — The number of training hours;~~
- 2 ~~(2) — The training delivery period;~~
- 3 ~~(3) — Location;~~
- 4 ~~(4) — Anticipated number of trainees;~~
- 5 ~~(5) — The requested date and location for the administration of the state comprehensive exam; and~~
- 6 ~~(6) — Topical course schedule including proposed instructional assignments.~~
- 7

Burgos, Alexander N

Subject: FW: 12 NCAC 09C .0403

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Tuesday, April 15, 2025 10:56 AM
To: Schilling, Michelle <mschilling@ncdoj.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Cardoza, Holly <hcardoza@ncdoj.gov>
Subject: 12 NCAC 09C .0403

In the above captioned rule:

Line 14: **Cite rule sets forth the substantive requirements of Form F-10B. The rule which was cited (12 NCAC 09B .0212) does not appear to have any relationship to the Form F-10B.**

Thank you in advance for your prompt response.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
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1711 New Hope Church Road
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Bill.Peaslee@oah.nc.gov

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Burgos, Alexander N

Subject: FW: [External] RRC Recommended Change Responses and Draft Rules
Attachments: 12 NCAC 09A .0103 Definitions.docx; 12 NCAC 09C .0208 Affidavit of Separation.docx; 12 NCAC 09C .0306 Lateral Transfer of In-State Law Enforcement Officers.docx; 12 NCAC 09C .0307 Agency Retention of Records of Certification.docx; 12 NCAC 09G .0102 Definitions.docx; 12 NCAC 09G .0303 Probationary Certification.docx

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Monday, April 14, 2025 4:26 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Schilling, Michelle <mschilling@ncdoj.gov>
Subject: FW: [External] RRC Recommended Change Responses and Draft Rules

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As always if you have any questions please feel free to contact me.

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Burgos, Alexander N

Subject: FW: [External] Re: 12 NCAC 09C .0205
Attachments: 12 NCAC 09C. 0205 Application for Certification Law Enforcement Officer.docx

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Monday, April 14, 2025 3:59 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Schilling, Michelle <mschilling@ncdoj.gov>
Subject: FW: [External] Re: 12 NCAC 09C .0205

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Burgos, Alexander N

Subject: FW: [External] Re: 12 NCAC 09C .0205
Attachments: 12 NCAC 09C. 0205 Application for Certification Law Enforcement Officer.docx

From: Cardoza, Holly <hcardoza@NCDOJ.GOV>
Sent: Monday, April 14, 2025 3:52 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>; Schilling, Michelle <mschilling@ncdoj.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] Re: 12 NCAC 09C .0205

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Thank you,

Holly Cardoza



Holly M. Cardoza

Research & Planning Administrative Specialist

Criminal Justice Standards Division

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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 (a) ~~The Report of Appointment Application for Certification Law Enforcement Officer (Form F-5A) is shall be~~ used
6 ~~for reporting to report the appointment request the certification~~ of criminal justice ~~officers officers, and~~ indicating
7 ~~indicate the applicant's progress toward completing the requirements for certification.~~ The Application for
8 Certification Law Enforcement Officer (Form F-5A) shall 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;]~~ Verification of the applicant's criminal history,
14 pursuant to 12 NCAC 09B .0111, and
15 (6) Signature of the employing agency's [Agency Executive Officer or Registered Authorized
16 Representative.] executive officer or authorized representative.

17 (b) The following documents shall be submitted to the Division along with the Application for Certification Law
18 Enforcement Officer (Form F-5A):

- 19 (1) Fingerprint Response Sheet, pursuant to 12 NCAC 09B .0103;
20 (2) Firearms Qualification Record (Form F-9A), pursuant to 12 NCAC 09E .0104;
21 (3) Signed and notarized Release Authorization Form, pursuant to 12 NCAC 09B .0102; and
22 (4) Law Enforcement Application for Verification of Expunction AOC-CR-280, pursuant to 12 NCAC
23 09B .0102.

24
25 *History Note:* Authority G.S. 17C-6
26 Eff. January 1, 1981;
27 Temporary Amendment Eff. January 1, 2001;
28 Amended Eff. August 1, 2002;
29 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
30 2019.
31 Amended Eff. May 1, 2025

Burgos, Alexander N

Subject: FW: 12 NCAC 09C .0205

From: Peaslee, William W <bill.peaslee@oah.nc.gov>

Sent: Monday, April 14, 2025 3:42 PM

To: Schilling, Michelle <mschilling@ncdoj.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Cardoza, Holly <hcardoza@ncdoj.gov>

Subject: 12 NCAC 09C .0205

In rule 12 NCAC 09C .0205 line 15, it appears you intended to add in “employing agency’s” but then you struck through it.

Please review and advise as soon as possible.

Thank you.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

Subject: FW: [External] RRC Recommended Change Responses and Draft Rules

From: Peaslee, William W <bill.peaslee@oah.nc.gov>

Sent: Monday, April 14, 2025 1:51 PM

To: Schilling, Michelle <mschilling@ncdoj.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Cardoza, Holly <hcardoza@ncdoj.gov>

Subject: RE: [External] RRC Recommended Change Responses and Draft Rules

Received. Thank you.

William W. Peaslee

Rules Review Commission Counsel / Legislative Liaison

Office of Administrative Hearings

1711 New Hope Church Road

Raleigh NC, 27609

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Bill.Peaslee@oah.nc.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

From: Schilling, Michelle <mschilling@ncdoj.gov>
Sent: Monday, April 14, 2025 1:36 PM
To: Peaslee, William W
Cc: Burgos, Alexander N; Cardoza, Holly
Subject: [External] RRC Recommended Change Responses and Draft Rules
Attachments: 12 NCAC 09A .0103 Definitions.docx; Responses to Rule Change Requests for 12 NCAC 09A .0103.docx; 12 NCAC 09C .0401 Accreditation of Criminal Justice Schools .docx; Recommended Rule Changes for 12 NCAC 09C .0401.docx; 12 NCAC 09C .0403 Reports of Training Course Enrollment and Presentation.docx; Responses to Request for Recommended Changes for 12 NCAC 09C .0403.docx; Responses to Rule Change Requests for 12 NCAC 09C .0205.docx; 12 NCAC 09C .0205 Application for Certification Law Enforcement Officer.docx; Responses to Rule Change Requests for 12 NCAC 09C .0205.docx; 12 NCAC 09C .0208 Affidavit of Separation.docx; Responses to Recommended Rule Changes for 12 NCAC 09C .0208.docx; 12 NCAC 09C .0306 Lateral Transfer of In-State Law Enforcement Officers.docx; Responses to Recommended Changes for 12 NCAC 09C .0306.docx; 12 NCAC 09C .0307 Agency Retention of Records of Certification.docx; Recommended Rule Changes for 12 NCAC 09C .0307.docx; 12 NCAC 09E .0104.docx; Responses to Recommendations for Rule Changes for 12 NCAC 09E .0104.docx; 12 NCAC 09E .0108 Failure to Complete Annual In-Service Training.docx; Responses to Recommended Rule Changes for 12 NCAC 09E .0108.docx; 12 NCAC 09G .0102 Definitions.docx; Responses to Recommended Changes for 12 NCAC 09G .0102.docx; 12 NCAC 09G .0303 Probationary Certification.docx; Responses to Recommended Changes to Rule 12 NCAC 09G .0303.docx

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Good afternoon,

The attachments are for your review and approval.

Please let me know if you have any questions.

Michelle



MICHELLE SCHILLING
Deputy Director
Criminal Justice Standards Division
Office: (919) 779-8205
MSchilling@ncdoj.gov
1700 Tryon Park Drive
Raleigh, NC 27602-0149
ncdoj.gov

Please note messages to or from this address may be public records.

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: 09F:

- 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,] means full-time duty in the active
8 military service of the United States. Such term includes full-time training duty, annual training
9 duty, and attendance while in the active military service at a school designated as a service school
10 by law or by the Secretary of the military department concerned. Such term does not include full-
11 time National 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" means the North Carolina Criminal Justice Education and Training Standards
20 Commission.
- 21 (5)(6) "Commission of an offense" means a finding by the North Carolina Criminal Justice Education and
22 Training Standards Commission, Commission, pursuant to 12 NCAC 09A .0201, or equivalent
23 regulating body from another state that a person performed the acts necessary to satisfy the elements
24 of a specified criminal offense.
- 25 (6)(7) "Convicted" or "Conviction" means the entry of:
- 26 (a) a plea of guilty;
- 27 (b) a verdict or finding of guilt by a jury, judge, magistrate, or other adjudicating body,
28 tribunal, or official, either civilian or military; or
- 29 (c) a plea of no contest, nolo contendere, or the equivalent.
- 30 (7)(8) "Criminal Justice Officer(s)" means those officers identified in G.S. 17C-2(3).
- 31 (8)(9) "Criminal Justice System" means the whole of the State and local criminal justice agencies described
32 in Item (2) of this Rule.
- 33 (9)(10) "Agency Head" means the chief administrator of any criminal justice agency, and specifically
34 includes any chief of police or agency director. "Agency Head" also includes a designee appointed
35 in writing by the Agency Head.
- 36 (10)(11) "Director" means the Director of the Criminal Justice Standards Division of the North Carolina
37 Department of Justice.

1 (12) "Division" means the Criminal Justice Standards Division of the North Carolina Department of
2 Justice.

3 (11)(13) "Educational Points" means points earned toward the Professional Certificate Programs for studies
4 completed, with passing scores achieved, for semester hour or quarter hour credit hours awarded
5 from colleges or universities accredited by the Department of Education of the state in which the
6 institution is located, from an accredited body recognized by either the U.S. Department of
7 Education or the Council for Higher Education Accreditation, or from the state university of the
8 state in which the institution is located. Each semester hour of college credit equals one educational
9 point and each quarter hour of college credit equals two thirds of an educational point. [Diplomas
10 earned from educational institutions outside of the United States must be translated into English and
11 be accompanied by an authentic transcript. The Division's staff shall evaluate these transcripts to
12 ensure they are scholastically comparable to the United States curriculum requirements.]

13 (12)(14) "Enrolled" means that an individual is currently actively participating in an on-going presentation
14 of a Commission-certified basic training course that has not concluded on the day probationary
15 certification expires. The term "currently actively participating" as used in this definition means:
16 (a) for law enforcement officers, that the officer is attending an approved course presentation
17 averaging a minimum of 12 hours of instruction each week; and
18 (b) for Department of Public Safety, Division of Adult Correction and Juvenile Justice
19 personnel, that the officer is attending the last or final phase of the approved training course
20 necessary for satisfying the total course completion requirements.

21 (13)(15) "High School" means an educational program that meets the compulsory attendance requirements
22 in the jurisdiction in which the school is located.

23 (14)(16) "In-Service Training" means all training prescribed in 12 NCAC 09E .0105 that must be completed,
24 pursuant to this Chapter, with passing scores achieved, by all certified law enforcement officers
25 during each full calendar year of certification.

26 (15)(17) "In-Service Training Coordinator" means the person designated by a Criminal Justice Agency head
27 to administer the agency's In-Service Training program.

28 (16)(18) "Lateral Transfer" means the employment of a criminal justice officer by a Criminal Justice Agency
29 based upon the officer's special qualifications or experience, without following the usual selection
30 process established by the agency for basic officer positions.

31 (17)(19) "Law Enforcement Code of Ethics" means the code adopted by the Commission on September 19,
32 1973, that reads as follows:

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

36 I will keep my private life unsullied as an example to all, and will behave in a manner that does not bring discredit to
37 me or to my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint;

1 and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I
2 will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential
3 nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the
4 performance of my duty.

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

9 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
10 am true to the ethics of the police service. I will never engage in acts of corruption or bribery, nor will I condone such
11 acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit
12 of justice.

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

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

17 (18)(20) "Juvenile Court Counselor" means a person responsible for intake services and court supervision
18 services to juveniles under the supervision of the Chief Court Counselor.

19 (19)(21) "Juvenile Justice Officer" means a person designated by the Secretary of the Department of Public
20 Safety, Division of ~~Adult Correction and~~ Juvenile Justice to provide for the care and supervision of
21 juveniles placed in the physical custody of the Department.

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

27 (21)(23) "Law Enforcement Training Points" means points earned toward the Law Enforcement Officers'
28 Professional Certificate Program by successful completion of Commission-approved law
29 enforcement training courses. Twenty classroom hours of Commission-approved law enforcement
30 training equals one law enforcement training point.

31 (22)(24) "LIDAR" is an acronym for "Light Detection and Ranging" and means a speed-measuring
32 instrument that electronically computes, from transmitted infrared light pulses, the speed of a vehicle
33 under observation.

34 (23)(25) "Local Confinement Personnel" means any officer, supervisor, or administrator of a local
35 confinement facility in North Carolina as defined in G.S. 153A-217; any officer, supervisor, or
36 administrator of a county confinement facility in North Carolina as defined in G.S. 153A-218; or

1 any officer, supervisor, or administrator of a district confinement facility in North Carolina as
2 defined in G.S. 153A-219.

3 ~~(24)~~(26) "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 (24)(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 Class B Misdemeanor Manual as published by the North
28 Carolina Department of Justice, incorporated herein by reference, and shall include any
29 later amendments and editions of the incorporated material as provided by G.S. 150B-21.6.
30 The publication is available from the Commission's website:
31 [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)
32 [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
33 or omitted in violation of any common law, duly enacted ordinance, criminal statute, or
34 criminal traffic code of any jurisdiction other than North Carolina, either civil or military,
35 for which the maximum punishment allowable for the designated offense under the laws,
36 statutes, or ordinances of the jurisdiction in which the offense occurred includes
37 imprisonment for a term of more than six months but not more than two years. Excluded

1 from this grouping of "Class B Misdemeanor" criminal offenses for jurisdictions other than
2 North Carolina, are motor vehicle or traffic offenses designated as being misdemeanors
3 under the laws of other jurisdictions with the following exceptions: Class B Misdemeanor
4 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 ~~(25)~~(27) "Qualified Assistant" means an additional staff person designated by the School ~~Director~~ Director,
17 pursuant to Rule 09B.0201 of this Chapter, to assist in the administration of a course when an
18 institution or agency assigns additional responsibilities to the certified School Director during the
19 planning, development, and implementation of a certified course.

20 ~~(26)~~(28) "Radar" means a speed-measuring instrument that transmits microwave energy in the 10,500 to
21 10,550 MHZ frequency (X) band, the 24,050 to 24,250 MHZ frequency (K) band, or the 33,400 to
22 36,000 MHZ (Ka) band and operates in either the stationary or moving mode.

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

25 ~~(28)~~ (29) "School" ~~or "criminal justice school"~~ means an institution, college, university, academy, or agency
26 that offers criminal justice, law enforcement, or traffic control and enforcement training for criminal
27 justice officers or law enforcement officers. "School" includes the criminal justice training course
28 curriculum, instructors, and facilities.

29 ~~(29)~~(30) "School Director" means the person designated by the sponsoring institution or agency to administer
30 the ~~criminal justice school~~. school, pursuant to Rule 09B .0201 of this Chapter.

31 ~~(30)~~ (31) "Speed-Measuring Instruments" (SMI) means those devices or systems, including RADAR, Time-
32 Distance, and LIDAR, approved under authority of G.S. 17C-6(a)(13) for use in North Carolina in
33 determining the speed of a vehicle under observation and particularly includes all devices or systems
34 described or referenced in 12 NCAC 09C .0601.

35 ~~(31)~~ — "Standards Division" means the ~~Criminal Justice Standards Division of the North Carolina~~
36 Department of Justice.

1 (32) "Time-Distance" means a speed-measuring instrument that electronically computes, from
2 measurements of time and distance, the average speed of a vehicle under observation.
3

4 *History Note: Authority G.S. 17C-2; 17C-6; 17C-10; 153A-217;*
5 *Eff. January 1, 1981;*
6 *Amended Eff. November 1, 1981; August 15, 1981;*
7 *Readopted Eff. July 1, 1982;*
8 *Temporary Amendment Eff. December 14, 1983 for a period of 120 days to expire on April 12, 1984;*
9 *Amended Eff. November 1, 1993; March 1, 1990; July 1, 1989;*
10 *Temporary Amendment Eff. October 1, 1994 for a period of 180 days to expire on April 1, 1995;*
11 *Amended Eff. August 1, 2000; April 1, 1999; August 1, 1998; January 1, 1995;*
12 *Temporary Amendment Eff. January 1, 2001;*
13 *Amended Eff. August 1, 2002; April 1, 2001;*
14 *Temporary Amendment Eff. April 15, 2003;*
15 *Amended Eff. January 1, 2017; February 1, 2016; January 1, 2015; January 1, 2006; June 1, 2005;*
16 *April 1, 2004;*
17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
18 *2019;*
19 *Amended Eff. May 1, 2025; October 1, 2022.*
20

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;]~~ name and signature of separating officer; and

12 (5) name and signature of the employing agency's 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

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 state or local
5 law enforcement agency to another [law enforcement agency] and be certified by the Commission if the officer: either
6 the 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 state or local law enforcement agency considering the
30 applicant for employment as a law enforcement officer shall submit an Application for Lateral Certification,
31 Form F-5D, to the 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] Confirmed 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;] no criminal convictions, outstanding
16 criminal charges or an offense that would disqualify them from certification, pursuant to
17 12 NCAC 09B .0111, as verified through a comprehensive criminal background check;

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

21 (E) has qualified pursuant to 09E .0106 of this Subchapter, with the assigned duty weapon
22 which has been recorded on the Firearms Qualification Record, Form F-9A pursuant to
23 09E .0104 of this Subchapter.

24 (c) The Application for Lateral Certification, Form F-5D, shall contain the following:

25 (1) officer's name, date of birth, Acadis ID number;

26 (2) former agency, current agency, and hire date with current agency;

27 (3) current certification held;

28 (4) dates the criminal history records check and psychological screening were conducted;

29 (5) date the officer's personnel record was reviewed; and

30 (6) the name and signature of the current employing agency's head or authorized representative

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

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

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

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.~~] .0306;
- 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

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

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

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

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

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

29 ~~(e) The identity of those schools accredited under this Rule are published and distributed by the Standards Division,~~
30 ~~via the agency's website: [32 ~~\(d\) A school may request reaccreditation from the Commission by submitting a completed Form F-10\(SA\) Request~~
33 ~~for School Accreditation form, located on the agency's website: \[- 36 ~~\\(1\\) The Standards Division staff reviews the request for reaccreditation, conducts a site visit to tour~~
37 ~~facilities, confirms information on the application, determines if and where deficiencies exist, and~~
38 ~~attaches copies of the reports of site visits to the application;~~\]\(http://ncdoj.gov/getdoc/9134b822-24a7-4d70-8a3b-
34 b2bd807100c4/F-10\(SA\)-6-11.aspx. The Form F-10\(SA\) shall contain information on changes in facilities,
35 equipment, and staffing. Upon receipt of a completed application:</p></div><div data-bbox=\)~~](http://www.ncdoj.gov/CMSPages/GetFile.aspx?nodeguid=6eb7e157-87f7-40a3-b281-
31 d95a36807bb9 and the schedule of criminal justice training courses planned for delivery during the succeeding year.</p></div><div data-bbox=)~~

1 (2) — The Standards Division staff submits the application and staff reports to the Education and Training
2 Committee for review; and

3 (3) — The Education and Training Committee recommends to the full Commission at its next regularly
4 scheduled meeting the approval or denial of accreditation of the applicant institution or agency.

5 (e) In instances where certified schools have been found to be in compliance with 12 NCAC 09B .0200 through
6 favorable site visit reports, Standards Division staff shall reaccredit on behalf of the Commission. Such action shall
7 be reported to the Education and Training Committee at its next scheduled meeting.

8 (f) (d) In instances where the Education and Training Committee determines the school seeking accreditation or
9 reaccreditation is not in compliance with 12 NCAC 09B .0200, the school application and staff reports shall be
10 reviewed by the Probable Cause Committee, as specified in 12 NCAC 09A .0201.

11 (g) (c) The Commission may suspend or revoke a school's accreditation when it finds that the school has failed to
12 meet or continuously maintain any requirement, standard, or procedure for school or course accreditation. The
13 Commission, by and through the Probable Cause Committee, shall summarily suspend the accreditation of a criminal
14 justice school if the public health, safety, or welfare requires action pursuant to G.S. 150B-3.

15 (1) For the purpose of considering a summary suspension of accreditation, the Probable Cause
16 Committee shall meet only during its regularly scheduled quarterly meeting or upon notice given
17 by mail, telephone, or other means not less than 48 hours in advance of the meeting;

18 (2) This [A]summary suspension shall be effective on the date specified in the order of the summary
19 suspension. A summary suspension becomes effective upon [suspension or upon service of the
20 certified copy of the order at the last known address of the school, whichever is later.] oral
21 notification to the executive officer or officers of the institution or agency sponsoring any criminal
22 justice training program or course of instruction by the Director that the accreditation of the school
23 is being summarily suspended. The school shall not perform any duties or conduct any courses
24 requiring accreditation by the Commission;

25 (3) The summary suspension shall remain effective during the proceedings for suspension and
26 [revocation] revocation, pursuant to 12 NCAC 09A .0201 and .0207;

27 [(3) — Upon oral notification to the executive officer or officers of the institution or agency sponsoring any
28 criminal justice training program or course of instruction by the Director that the accreditation of a
29 school is being summarily suspended by written order, the school shall not perform any duties or
30 conduct any courses requiring accreditation by the Commission;]

31 (4) The summary suspension [matter] shall be returned for a full hearing before the Probable Cause
32 Committee at the next scheduled Commission meeting.

33 (h) ~~The Accreditation of a school whose accreditation is scheduled to expire in calendar year 2015 and who has~~
34 ~~submitted a request for recertification shall be extended for a maximum of two years under the following conditions:~~

35 (1) — ~~accreditation has not expired;~~

36 (2) — ~~the school has submitted a request for reaccreditation along with the required documentation by~~
37 ~~December 31, 2015.~~

1 ~~(3) — the Standards Division staff was unable to complete the recertification process by December 31,~~
2 ~~2014; and~~

3 ~~(4) — the school is not denied reaccreditation prior to the expiration of the current accreditation.~~
4 ~~Accreditation or accreditation extension according to this Paragraph expires when reaccreditation is~~
5 ~~denied or revoked or the Standards Division staff is able to complete the reaccreditation process and~~
6 ~~it is determined that the school is in compliance with the Rules for Reaccreditation. If the school~~
7 ~~reaccreditation is denied or revoked, the school shall not deliver Commission accredited criminal~~
8 ~~justice courses until such reaccreditation has been granted or reinstated by the Commission.~~

9 **(f) The Commission shall suspend or revoke a school's accreditation when it finds that the school has failed to meet**
10 **or continuously maintain any requirement, standard, or procedure for school or course accreditation.**

11
12 *History Note: Authority G.S. 17C-6; 17C-11;*
13 *Eff. January 1, 1981;*
14 *Amended Eff. August 1, 2004, January 1, 1996;*
15 *Temporary Amendment Eff. January 1, 2007;*
16 *Temporary Amendment Expired October 13, 2007;*
17 *Amended Eff. February 1, 2016; April 1, 2008;*
18 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
19 *2019.*
20 *Temporary Amendment Eff. August 1, 2024*
21 *Amended Eff: May 1, 2025*
22
23

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~~; Presentation. The Pre-Delivery Report of Training Course Presentation
10 Form F-10A shall contain the number of training hours, training delivery period, location of
11 training, and estimated number of attendees; and

12 (2) Not more than 10 days after completing delivery of the accredited course, the school director
13 shall notify the Commission regarding the progress and achievement of each enrolled trainee by
14 submitting a Form ~~F-10B~~ ~~F-10B(LE)~~-Post-delivery Report of Training Course ~~Presentation~~;
15 [Presentation] Presentation, pursuant to 12 NCAC 09B .0212, and entering all student scores
16 and class documents in the Acadis platform.

17 ~~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)~~
18 ~~Enforcement Training and Standards/Criminal Justice Education and Training Standards/Forms and~~
19 ~~Publications.aspx.~~

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

22 (b) Upon completion of a Commission-accredited training course by Juvenile Justice Officer and Chief/Juvenile
23 Court Counselor trainees, the director of the school conducting such course shall notify the Commission of the
24 achievement of trainees by submitting a Report of Training Course Completion (~~Form F-11~~); Form F-11, pursuant
25 to 12 NCAC 09B .0235. ~~This form is located on the agency's website:~~

26 ~~http://www.ncdoj.gov/getattachment/fbf3480c-05a1-4e0e-a81a-04070dea6199/F-11-Form_10-2-14.pdf.aspx.~~

27
28 *History Note: Authority G.S. 17C-6; 17C-10;*
29 *Eff. January 1, 1981;*
30 *Amended Eff. January 1, 2015; August 1, 2002; August 1, 2000; December 1, 1987;*
31 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, –*
32 *~~2019~~ 2019;*
33 *Amended Eff. May 1, 2025.*

34
35
36 ~~The Pre-delivery Report of Training Course Presentation is a form on which the School Director notifies the~~
37 ~~Commission of its intent to present the Basic Law Enforcement Training course. Information requested includes:~~

- 1 ~~(1) — The number of training hours;~~
- 2 ~~(2) — The training delivery period;~~
- 3 ~~(3) — Location;~~
- 4 ~~(4) — Anticipated number of trainees;~~
- 5 ~~(5) — The requested date and location for the administration of the state comprehensive exam; and~~
- 6 ~~(6) — Topical course schedule including proposed instructional assignments.~~
- 7

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 (a) ~~The Report of Appointment Application for Certification Law Enforcement Officer (Form F-5A) is shall be~~ used
6 ~~for reporting to report the appointment request the certification~~ of criminal justice ~~officers officers, and~~ indicating
7 ~~indicate the applicant's progress toward completing the requirements for certification.~~ The Application for
8 Certification Law Enforcement Officer (Form F-5A) shall 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;]~~ Verification of the applicant's criminal history,
14 pursuant to 12 NCAC 09B .0111, and
- 15 (6) Signature of the [employing agency's [Agency Executive Officer or Registered Authorized
16 Representative.] executive officer or authorized representative.

17 (b) The following documents shall be submitted to the Division along with the Application for Certification Law
18 Enforcement Officer (Form F-5A):

- 19 (1) Fingerprint Response Sheet, pursuant to 12 NCAC 09B .0103;
- 20 (2) Firearms Qualification Record (Form F-9A), pursuant to 12 NCAC 09E .0104;
- 21 (3) Signed and notarized Release Authorization Form, pursuant to 12 NCAC 09B .0102; and
- 22 (4) Law Enforcement Application for Verification of Expunction AOC-CR-280, pursuant to 12 NCAC
23 09B .0102.

24
25 *History Note:* Authority G.S. 17C-6
26 Eff. January 1, 1981;
27 Temporary Amendment Eff. January 1, 2001;
28 Amended Eff. August 1, 2002;
29 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
30 2019.
31 Amended Eff. May 1, 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:~~ instructors who exclusively deliver:
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 (2) ~~In addition, each~~ Each instructor certified by the Commission to teach in a Commission-accredited basic
16 training, Speed Measuring Instrument Operator or Instructor training, Instructor or Specialized Instructor
17 training, or ~~Commission-recognized~~ Commission-approved in-service training course shall remain
18 ~~competent in his or her~~ proficient in their specific or specialty areas. ~~Such competence~~ This proficiency
19 includes ~~remaining current in the instructor's~~ staying up-to-date in their field area of expertise, which may
20 ~~can~~ be demonstrated by completing all instructor ~~updates~~ update requirements issued by the Commission.

21 ~~(2)(3)~~ Instructors who teach a required in-service training topic, other than a topic taught pursuant to
22 Paragraph (1) of this Rule, or a Firearms Training and Qualification course pursuant to Rule
23 .0105(a)(1) of this Section, rule shall achieve a passing grade on a topic specific test developed by
24 the North Carolina Justice Academy or by the agency delivering the ~~training.~~ training before
25 delivering the topic of instruction.

26 (4) Instructors who teach a required in-service training topic online shall also complete the in-service
27 training for the topic he or she will be ~~teaching.~~ teaching before delivering the topic of instruction.

28 (5) Instructors who teach an in-service training topic in a traditional classroom format will receive credit
29 toward their own in-service training requirements, provided that they pass all required ~~tests~~ tests, as
30 outlined in this section, and have their instruction documented by the ~~Department~~ Agency Head or
31 In-Service Training Coordinator once completed.

32 ~~(3)~~ ~~Instructors who, no more than 60 days prior to the upcoming calendar year, [shall] complete~~
33 ~~mandated in service topics in their entirety pursuant to 12 NCAC 09E .0105 as presented by the~~
34 ~~North Carolina Justice Academy as part of the Instructor Training Update program.~~ program shall
35 have satisfied the requirements of 12 NCAC 09E .0105 for the upcoming calendar year.

36 (4) (6) The instructor shall deliver the training consistent with the specifications established in ~~Rules~~ Rule
37 09E .0105 and .0106.

1 ~~(5)~~ (7) The instructor shall report the successful or unsuccessful completion of training for each officer to
2 the ~~Department~~ Agency Head.

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

- 13 (A) officer's name and appointing agency;
- 14 (B) instructor's name and signature;
- 15 (C) date the classroom section was completed;
- 16 (D) officer's acknowledgment of qualification scores; and
- 17 (E) firearms score sheet.

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

20
21 *History Note:* *Authority G.S. 17C-6; 17C-10;*
22 *Eff. July 1, 1989;*
23 *Amended Eff. July 1, 2016; May 1, 2014; February 1, 2013; April 1, 2008; January 1, 2006; January*
24 *1, 2005;*
25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
26 *2019;*
27 *Amended Eff. May 1, 2025; July 1, 2020.*
28

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 published by the Commission.

6 (b) When the Commission specifies topics ~~[for]~~ that total less than 24 ~~[hours,]~~ credits for a specific year, the remaining
7 training ~~[hours]~~ credits shall be in topics identified by their respective agency heads. ~~In selecting the remaining training~~
8 ~~credits, the~~ ~~[The]~~ agency head may choose any topic, provided the lesson plan is written in Instructional Systems
9 Design format and is taught by an instructor who is certified by the ~~[Commission,]~~ Commission, pursuant to 12 NCAC
10 09B .0301. Alternatively, ~~in selecting the remaining training credits, the agency head may choose any topic: (1)~~
11 ~~[topics]~~ delivered pursuant to Rule .0104(1) of this ~~[Section]~~ Section: ~~[and]~~ or (2) National Certification Programs
12 (NCP) administered by the International Association of Directors of Law Enforcement Standards and Training
13 (IADLEST) completed during ~~[the mandated in-service]~~ that specific year. ~~[year, shall satisfy in part or in whole the~~
14 ~~topic requirements set forth by the agency head. To satisfy this requirement, these]~~ These topics shall not be required
15 to be written in Instructional Systems Design format or delivered by an instructor certified by the Commission. ~~With~~
16 ~~the exception of those law enforcement officers who were hired on or after July 1st, pursuant to 12 NCAC 09E~~
17 ~~.0103(2), failure~~ Failure to successfully complete the annual in-service training topics as specified in 12 NCAC 09E
18 .0102 within the calendar year shall result in suspension of the law enforcement officer's certification.

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

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

30 (b) ~~[(e)]~~ (d) Upon notification that a law enforcement officer who has been continuously employed with an agency
31 during the 12 month calendar year has failed to meet the requirements for in-service training, ~~[as specified in 12 NCAC~~
32 ~~09E] .0102, .0103(2),~~ the officer's certification shall be suspended by the Standards Division Director.

33 (e) ~~[(d)]~~ (e) No officer suspended under Paragraph (b) of this Rule shall work as a certified law enforcement officer
34 until:

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

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

4 ~~(d)~~ ~~(e)~~ (f) If an officer has separated from an agency with less than a 12-month break in law enforcement service and
5 is later reemployed as a law enforcement officer during the same calendar year, the officer shall ~~have completed all~~
6 ~~of the in-service training topics as specified in 12 NCAC 09E .0102~~ complete the annual in-service training, as outlined
7 in paragraphs (a) and (b) of this rule. by the end of that same calendar year. Upon notification by the agency head that
8 such officer has failed to meet all the requirements for in-service training, ~~as specified in 12 NCAC 09E .0102,~~ the
9 law enforcement officer's certification shall be ~~suspended.~~ suspended, pursuant to 12 NCAC 09A .0206(a)(2).

10 ~~(e)~~ ~~(f)~~ (g) If an officer has separated from an agency with less than a 12 month break in law enforcement service and
11 is later reemployed as a law enforcement officer during the subsequent calendar year, the officer shall ~~have completed~~
12 ~~all of the in-service training topics as specified in 12 NCAC 09E .0102~~ complete the annual in-service training, as
13 outlined in paragraphs (a) and (b) of this rule. by the end of the subsequent calendar year. Upon notification by the
14 agency head that such officer has failed to meet all the requirements for in-service training, ~~as specified in 12 NCAC~~
15 ~~09E .0102,~~ the law enforcement officer's certification shall be ~~suspended.~~ suspended, pursuant to 12 NCAC 09A
16 .0206(a)(2).

17
18 *History Note: Authority G.S. 17C-6; 17C-10;*
19 *Eff. January 1, 2005;*
20 *Amended Eff. April 1, 2006;*
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*
24

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 equivalent regulating body from another state ~~an administrative~~
10 ~~body~~ that a person performed the acts 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~~.*

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.~~ employment with the North Carolina Department of Adult Correction.

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 Application for Certification Corrections Officer (F-5A [DAC]) to the Standards Division.
9 The ~~Report of Appointment/Application Application~~ for Certification Corrections Officer (F-5A [DAC]) shall include
10 ~~the; includes information regarding the appointee's personal identification, education, military service record, and any~~
11 ~~criminal convictions.~~

12 (1) applicant's name, social security number, date of birth, driver's license number, and email;

13 (2) position being applied for;

14 (3) criminal offense record;

15 (4) past disciplinary actions;

16 (5) military service record;

17 (6) education information; and

18 (7) signature of agency head or authorized representative.

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

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

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

28 (f) Pursuant to 12 NCAC 09G .0201, the North Carolina Department of Adult Correction shall maintain
29 documentation of Probationary Certification in the officer's personnel records. ~~Documentation of Probationary~~
30 ~~Certification shall be maintained with the officer's personnel records with the North Carolina Department of Public~~
31 ~~Safety, Division of Adult Correction and Juvenile Justice and the Commission.~~

32
33 *History Note:* Authority G.S. 17C-6; 17C-10;
34 Temporary Adoption Eff. January 1, 2001;
35 Eff. August 1, 2002;
36 Amended Eff. January 1, 2015; August 1, 2004;
37 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
38 2019.
39 Amended Eff. May 1, 2025
40

Recommended Rule Changes for 12 NCAC 09C .0401

Accreditation of Criminal Justice Schools

Responses

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...”

Response: Recommended language inserted.

Page 1, Line 8: Change “must” to “shall.”

Response: Language changed.

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

Response: Deleted.

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?

Response: Per NCGS 17C-6(4), the Commission establishes the minimum standards for the certification of the criminal justice schools. The Division, per NCGS 17C-9, is responsible for ensuring that the applying criminal justice school meets those minimum standards for certification. The inspections conducted by the Division are used by the Commission to approve or disapprove a certification request. The Division staff investigates all applications for accreditation or re-accreditation and makes their recommendation to the Education & Training Committee. The Education & Training Committee reviews the Division staff's recommendation and then brings their recommendation to the full Commission who makes the final determination.

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.”

Response: Language stricken.

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?

Response: Language moved.

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

Response: Language changed.

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?

Response: Language clarified. The summary suspension happens immediately, as it is an emergency action, similar to an injunction. The school has the right to go through the regular Probable Cause and Administrative Hearing process. The summary suspension stays in effect during the Probable Cause process.

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

Response: No

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

Response: Rules cited.

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

Response: The commission will consider whether summary suspension is warranted and then at the next meeting will consider any additional information that has been gathered including from the affected entity, and determine whether the summary suspension should be lifted or remain in place during any appeal process at OAH.

Recommended Rule Changes for 12 NCAC 09C .0307

Agency Retention of Records of Certification

Responses

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

Response: Retroactive provision deleted.

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

Response: Substantive language has been added to 12 NCAC 09C.0306 (currently being reviewed by RRC)

Responses to Recommendations for Rule Changes for 12 NCAC 09E .0104

Instructors: Annual In-Service Training

Responses

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?

Responses: Language clarified.

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

Responses: Done.

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

Responses: Language clarified.

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.

Responses: Separate paragraph added.

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

Responses: This language is redundant to the requirement in new (3) and (4) of this Rule.

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

Responses: Language deleted.

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

Responses: Language deleted.

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.

Responses: Language clarified.

Responses to Recommended Changes for 12 NCAC 09C .0306

Lateral Transfer of In-State Law Enforcement Officers

Responses

Page 1, Line 11: Since you have your definitions rule under review as well, why not add in the definition of Commission?

Response: Added to 12 NCAC 09A .0103 Definitions rule

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?

Response: The definition of law enforcement agency is in NCGS 160A-288(b)(2).

NCGS 17C-2(2) defines criminal justice agencies, but that definition is too broad for use in this rule.

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

Response: Added to 12 NCAC 09A .0103 Definitions rule

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?

Response: Language clarified.

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.

Response: Language rewritten.

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

Response: The substantive requirements of Form F-9A are included in 12 NCAC 09E.0104, currently being reviewed at RRC.

Responses to Recommended Changes for 12 NCAC 09G .0102

Definitions

Responses

Page 1, Line 9: Define “administrative body”?

Response: Language clarified.

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

Response: The Class A Misdemeanor language is currently included in the draft language for a rule that is being submitted for the rule making process and will be necessary.

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

Response: Yes. A change is in the process for another rule where this language will apply.

Responses to Recommended Changes to Rule 12 NCAC 09G .0303

Probationary Certification

Responses

Page 1, Line 4: Delete or define “active.”

Response: Deleted

Page 1, Line 5: Employment by whom?

Response: Clarified.

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

Response: Added to the rule.

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

Response: Language clarified.

Responses to Recommended Rule Changes for 12 NCAC 09C .0208

Affidavit of Separation

Responses

Line 5: Rather than “is used” isn’t “shall be used” superior?

Response: Recommended language already exists in the draft rule.

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).

Response: Language clarified as the notice is not an attachment.

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

Response: Language clarified.

Responses to Recommended Rule Changes for 12 NCAC 09E .0108

Failure to Complete Annual In-Service Training

Responses

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?

Response: Language clarified.

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

Response: Done.

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

Response: Done

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

Response: Yes. 12 NCAC 09E .0103(2)

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

Response: Paragraph (d).

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

Response: Corrected.

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.

Response: Clarified

Page 3, Line 12: Notification to whom?

Response: Clarified

Page 3, Line 13: Suspension by whom?

Response: Clarified

Responses to Request for Recommended Changes for 12 NCAC 09C .0403

Reports of Training Course Presentation and Completion

Responses

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

Response: Form contents added.

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

Response: Rule cited.

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

Response: Rule cited.

Responses to Request for Changes for 12 NCAC 09A .0103

Definitions

Page 1, Line 4-5: As none of these definitions appear in 12 NCAC 09A .0107, why is the exception language necessary?

Response: Language corrected.

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

Response: Language corrected.

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

Response: Rule added.

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

Response: No. The actions in (a) and (c) are initiated by the accused individual. The action (b) is initiated by the entities indicated.

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

Response: Substantive requirements removed as currently exists in a separate rule.

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

Response: Added

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

Response: These lines are relevant to the provisions of 12 NCAC 09B .0111 (a) (6) and (7) for the combination of class A and B misdemeanor rule or 4 or more Class A misdemeanor rule.

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

Response: Yes, may apply to the combination of class A and B misdemeanor rule or 4 or more Class A misdemeanor rule in 12 NCAC 09B .0111 (a) (6) and (7).

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.”

Response: Language changed.

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

Response: Language removed.

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.

Response: Language clarified.

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

Response: Language added.

Responses to Recommended Rule Changes for 12 NCAC 09C .0205
Application for Certification Law Enforcement Officer

Responses

Line 5: Rather than “is used” isn’t “shall be used” superior?

Response: Language changed.

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

Response: Language clarified.

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).

Response: Clarified.

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

Response: Language clarified.

Line 14: Why are these words capitalized?

Response: Corrected.

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

Response: Corrected.

Burgos, Alexander N

From: Peaslee, William W
Sent: Monday, March 31, 2025 9:55 AM
To: Schilling, Michelle
Cc: Burgos, Alexander N
Subject: CJETS RFC
Attachments: 2025.04 CJETS Request for Changes.docx

Greetings Michelle,

Attached please find the request for changes for the CJETS rules submitted to the RRC.

As always if you have any questions please feel free to contact me.

Bill

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison

Office of Administrative Hearings

1711 New Hope Church Road

Raleigh NC, 27609

(984) 236-1939

Bill.Peaslee@oah.nc.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

Subject: FW: [External] Re: CJETS form 0400 forms
Attachments: Form 0400 - 12 NCAC 09G .0312 Corrected.pdf; Form 0400 - 12 NCAC 09C .0403 Corrected.pdf; Form 0400 - 12 NCAC 09C .0401 Corrected.pdf; Form 0400 - 12 NCAC 09C .0219 Corrected.pdf; Form 0400 - 12 NCAC 09C .0216 Corrected.pdf; Form 0400 - 12 NCAC 09C .0215 Corrected.pdf; Form 0400 - 12 NCAC 09C .0214 Corrected.pdf; Form 0400 - 12 NCAC 09C .0213 Corrected.pdf; Form 0400 - 12 NCAC 09A .0103 corrected.pdf

From: Schilling, Michelle <mschilling@ncdoj.gov>
Sent: Tuesday, March 25, 2025 5:22 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] Re: CJETS form 0400 forms

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Good evening,

My apologies for the oversight. Corrected Form 0400s are attached for your use.

Michelle



MICHELLE SCHILLING

Deputy Director

Criminal Justice Standards Division

Office: (919) 779-8205

MSchilling@ncdoj.gov

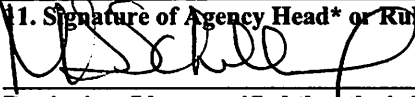
1700 Tryon Park Drive

Raleigh, NC 27602-0149


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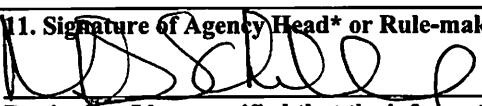
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Criminal Justice Education and Training Standards Commission	
2. Rule citation & name (name not required for repeal): 12 NCAC 09A .0103 Definitions	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIOIN <input type="checkbox"/> REPEAL through READOPTIOIN	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: September 16, 2024 Link to Agency notice: https://ncdoj.gov/law-enforcement-training/criminal-justice-forms-and-publications Hearing on: November 15, 2024 <input checked="" type="checkbox"/> The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: February 21, 2025 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (\geq \$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: Technical change to rule language.	
10. Rulemaking Coordinator: Michelle Schilling Phone: (919) 779-8205 E-Mail: MSchilling@ncdoj.gov Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Michelle S. Schilling Title: Deputy Director
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

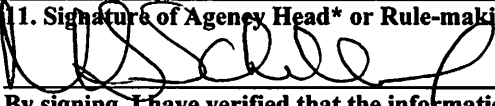
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Criminal Justice Education and Training Standards Commission	
2. Rule citation & name (name not required for repeal): 12 NCAC 09C .0213 Student Course Completion Record	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input checked="" type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: September 16, 2024 Link to Agency notice: https://ncdoj.gov/law-enforcement-training/criminal-justice-forms-and-publications/ Hearing on: November 15, 2024 <input checked="" type="checkbox"/> The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: February 21, 2025 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: Repeal of rule no longer needed.	
10. Rulemaking Coordinator: Michelle Schilling Phone: (919) 779-8205 E-Mail: MSchilling@ncdoj.gov Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Michelle Schilling Title: Deputy Director
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Criminal Justice Education and Training Standards Commission	
2. Rule citation & name (name not required for repeal): 12 NCAC 09C .0214 Request for Instructional Certification	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input checked="" type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: September 16, 2024 Link to Agency notice: https://ncdoj.gov/law-enforcement-training/criminal-justice-forms-and-publications Hearing on: November 15, 2024 <input checked="" type="checkbox"/> The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: February 21, 2025 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly <input type="checkbox"/> Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: Repeal of rule no longer needed.	
10. Rulemaking Coordinator: Michelle Schilling Phone: (919) 779-8205 E-Mail: MSchilling@ncdoj.gov Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Michelle S. Schilling Title: Deputy Director
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

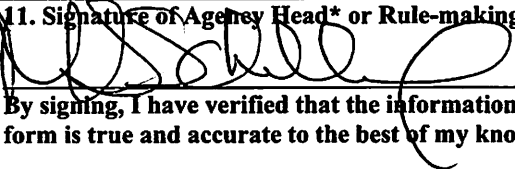
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Criminal Justice Education and Training Standards Commission	
2. Rule citation & name (name not required for repeal): 12 NCAC 09C .0215 Professional Lecturer Certification	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input checked="" type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: September 16, 2024 Link to Agency notice: https://ncdoj.gov/law-enforcement-training/criminal-justice-forms-and-publications Hearing on: November 15, 2024 <input checked="" type="checkbox"/> The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: February 21, 2025 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: Repeal of redundant rule.	
10. Rulemaking Coordinator: Michelle Schilling Phone: (919) 779-8205 E-Mail: MSchilling@ncdoj.gov Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Michelle S. Schilling Title: Deputy Director
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

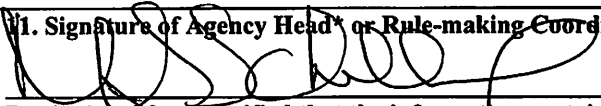
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Criminal Justice Education and Training Standards Commission	
2. Rule citation & name (name not required for repeal): 12 NCAC 09C .0216 Recommendation for General Instructor Certification	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input checked="" type="checkbox"/> REPEAL <input type="checkbox"/> READOPTON <input type="checkbox"/> REPEAL through READOPTON	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: September 16, 2024 Link to Agency notice: https://ncdoj.gov/law-enforcement-training/criminal-justice-forms-and-publications Hearing on: November 15, 2024 <input checked="" type="checkbox"/> The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: February 21, 2025 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Legislation enacted by the General Assembly <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Cite Session Law: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Other:	
9B. Explain: Repeal of redundant rule.	
10. Rulemaking Coordinator: Michelle Schilling Phone: (919) 779-8205 E-Mail: MSchilling@ncdoj.gov Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Michelle S. Schilling Title: Deputy Director
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Criminal Justice Education and Training Standards Commission	
2. Rule citation & name (name not required for repeal): 12 NCAC 09C .0401 Accreditation of Criminal Justice Schools	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: September 16, 2024 Link to Agency notice: https://ncdoj.gov/law-enforcement-training/criminal-justice-forms-and-publications Hearing on: November 15, 2024 <input checked="" type="checkbox"/> The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: February 21, 2025 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (\geq \$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
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9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: Add requirements for F-10(SA) and for summary suspensions of Commission course delivery sites	
10. Rulemaking Coordinator: Michelle Schilling Phone: (919) 779-8205 E-Mail: MSchilling@ncdoj.gov Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Michelle S. Schilling Title: Deputy Director
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Criminal Justice Education and Training Standards Commission	
2. Rule citation & name (name not required for repeal): 12 NCAC 09G .0312 Instructor Certification Renewal	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input checked="" type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: September 16, 2024 Link to Agency notice: https://ncdoj.gov/law-enforcement-training/criminal-justice-forms-and-publications/ Hearing on: November 15, 2024 <input checked="" type="checkbox"/> The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: February 21, 2025 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
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9B. Explain: Repeal of rule no longer needed.	
10. Rulemaking Coordinator: Michelle Schilling Phone: (919) 779-8205 E-Mail: MSchilling@ncdoj.gov Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Michelle Schilling Title: Deputy Director
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Burgos, Alexander N

From: Peaslee, William W
Sent: Tuesday, March 25, 2025 11:32 AM
To: Schilling, Michelle
Cc: Burgos, Alexander N
Subject: CJETS form 0400 forms

Hi Michelle,

A quick review of the forms 0400 filed with the CJETS rules reveals a discrepancy in the filing information. For example, 12 NCAC 09A .0103 states that the rule was published on December 16, 2024 and the hearing date was prior to that on November 15, 2024. It appears in the Registry that the rule was published on September 16, 2024.

Please review all of the forms 0400 for accuracy and resubmit only those ones you find to be in error. Thereafter I will assume that the information you provide is accurate and will recommend objections as warranted pursuant to G.S. 150B-21.9(a)(4).

Thank you in advance for your prompt reply.

Bill

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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