

1 **12 NCAC 09G .0202 is repealed as follows:**

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3 **~~12 NCAC 09G .0202 — CITIZENSHIP~~**

4 ~~Every person employed as a correctional or probation/parole officer by the North Carolina Department of Public~~
5 ~~Safety, Division of Adult Correction and Juvenile Justice shall provide the agency with documentation verifying that~~
6 ~~he or she is a citizen of the United States.~~

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8 *History Note: Authority G.S. 17C-6; 17C-10;*
9 *Temporary Adoption Eff. January 1, 2001;*
10 *Eff. August 1, 2002;*
11 *Amended Eff. January 1, 2015; August 1, 2004;*
12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
13 *2019.*
14 *Repealed Eff. July 1, 2024*
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1 12 NCAC 09G .0208 is amended, with changes, as follows:

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3 12 NCAC 09G .0208 MINIMUM STANDARDS FOR CORRECTIONAL OFFICERS

4 (a) The requirements of this Rule shall apply to all applicants for certification and shall also apply at all times during
5 which the correctional officer is certified by the Commission.

6 (b) Every correctional officer employed by the North Carolina Department of Adult Correction shall:

7 (1) be a citizen of the United States; ~~States, or have a U.S. Permanent Resident Card (Green Card) and~~
8 ~~have resided in the United States for at least [five (5)]~~ three (3) years;

9 (2) be at least ~~20~~ 18 years of age;

10 (3) be a high school graduate, or the equivalent as defined in 12 NCAC 09G .0204;

11 (4) have been fingerprinted by the employing agency in the manner provided in 12 NCAC 09G .0207;

12 (5) have had a medical examination as required by 12 NCAC 09G .0205;

13 (6) have produced a negative result on a drug screen as described in 12 NCAC 09G .0211;

14 (7) have been administered a psychological screening examination in accordance with G.S. 17C-10(c).
15 The psychological screening examination shall be valid for a period of one year from the date on
16 which it was administered;

17 (8) have a background investigation conducted by the Department of Adult Correction, including a
18 personal interview as described in 12 NCAC 09G .0210;

19 (9) not have committed or been convicted of a crime or crimes as specified in 12 NCAC 09G .0302;

20 (10) for personnel who are authorized to carry a firearm in the execution of their duties, satisfactorily
21 Complete the Department of Adult Correction's departmental firearms training program as
22 prescribed in 12 NCAC 09G .0411. Such firearms training compliance must have occurred within
23 one year of the date of employment and by using the department approved service handgun(s);

24 (11) be of good moral character, including possessing the characteristics of honesty, maturity, discipline,
25 attention to detail, and respect for the rights of others, as more fully discussed and interpreted in: In
26 re Willis 288 N.C. 1.215 S.E. 2d 771 appeal dismissed 423 U.S. 976 (1975); State v. Harris, 216
27 N.C. 746, 6 S.E. 2d 854 (1940); In re Legg, 325 N.C. 658, 386 S.E. 2d 174 (1989); in re Applicants
28 for License, 143 N.C.1, 55 S.E. 635 (1906); In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924);
29 State v. Benbow, 309 N.C. 538, 308 S.E. 2d 47 (1983); and later court decisions; and

30 (12) make the following notifications:

31 (A) within 30 days of the qualifying event, notify the Criminal Justice Standards Division
32 (Division) and the appointing agency head in writing of all criminal offenses for which the
33 officer is charged or arrested. This shall include traffic offenses identified in the
34 Department of Adult Correction section of the Class B Misdemeanor Manual and offenses
35 of driving under the influence (DUI) or driving while impaired (DWI);

36 (B) within 30 days of the qualifying event, notify the Division and the appointing agency head
37 in writing of all criminal offenses which are dismissed or for which the officer pleads no

1 contest, pleads guilty, or of which the officer is found guilty. This shall include traffic
2 offenses identified in the Class B Misdemeanor Manual (correctional officers section) and
3 offense of driving under the influence (DUI) or driving while impaired (DWI);

4 (C) within 30 days of service, officers shall notify the Standards Division of all Domestic
5 Violence Protective Orders (G.S. 50B) and Civil No Contact Orders (G.S. 50C) that are
6 issued by a judicial official against the officer;

7 ~~(D) within 30 days of the date the case was disposed of in court, the agency head, provided he~~
8 ~~or she has knowledge of the officer's arrests or criminal charges and final dispositions, shall~~
9 ~~also notify the Standards Division of arrests or criminal charges and final disposition;~~

10 (E) within 30 days of the issuance of all Domestic Violence Protective Orders (G.S. 50B) and
11 Civil No Contact Orders (G.S. 50C), the agency head, provided he or she has knowledge
12 of the order, shall also notify the Standard Division of these orders; and

13 ~~(D)~~ (D) The required notifications in this Rule shall be in writing and shall specify the nature of the
14 offense or order, the court in which the case as handled, the date of the arrest, criminal
15 charge, or service of the order, and the final disposition. The notification shall include a
16 certified copy of the order or court documentation and final disposition from the Clerk of
17 Court in the county of adjudication. The requirements of this Item shall be applicable at all
18 times during which the officer is employed and certified by the Commission and shall also
19 apply to all applicants for certification. Receipt by the Standards Division of a single
20 notification, for the officer or the agency head, shall be sufficient notice for compliance
21 with this Item.

22 (c) Within 30 days of service, the agency head, provided he or she has knowledge of the correctional officer's arrests
23 or criminal charges and final disposition, shall also notify the Standards Division of arrests, criminal charges and final
24 dispositions.

25 (d) Within 30 days of the issuance of all Domestic Violence Protective Orders (G.S. 50B) and Civil No Contact
26 Orders (G.S. 50C), the agency head, provided he or she has knowledge of the order, shall notify the Standards
27 Divisions of these orders.

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30 *History Note: Authority G.S. 17C-6; 17C-10;*
31 *Eff. May 1, 2023.*
32 *Amended Eff. July 1, 2024*
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