

1 12 NCAC 09A .0103 is amended as published in 36:19 NCR 1532-1554 as follows:

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

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

6 (1) "Active Duty Military" means, for the purpose of determining eligibility for certification pursuant
7 to 12 NCAC 09B .0401 and 12 NCAC 09B .0403, full-time duty in the active military service of the
8 United States. Such term includes full-time training duty, annual training duty, and attendance while
9 in the active military service at a school designated as a service school by law or by the Secretary
10 of the military department concerned. Such term does not include full-time National Guard duty.

11 (2) "Agency" or "Criminal Justice Agency" means those state and local agencies identified in G.S. 17C-
12 2(2).

13 (3) "Alcohol Law Enforcement Agent" means a law enforcement officer appointed by the Secretary of
14 the Department of Public Safety as authorized by G.S. 18B-500.

15 (4) "Chief Court Counselor" means the person responsible for administration and supervision of
16 juvenile intake, probation, and post-release supervision in each judicial district, operating under the
17 supervision of the Department of Public Safety, Division of Adult Correction and Juvenile Justice.

18 (5) "Commission of an offense" means a finding by the North Carolina Criminal Justice Education and
19 Training Standards Commission or equivalent regulating body from another state that a person
20 performed the acts necessary to satisfy the elements of a specified criminal offense.

21 (6) "Convicted" or "Conviction" means, for purposes of this Chapter, the entry of:
22 (a) a plea of guilty;
23 (b) a verdict or finding of guilt by a jury, judge, magistrate, or other adjudicating body,
24 tribunal, or official, either civilian or military; or
25 (c) a plea of no contest, nolo contendere, or the equivalent.

26 (7) "Criminal Justice Officer(s)" means those officers identified in G.S. 17C-2(3).~~and excluding~~
27 ~~Correctional officers and probation/parole officers.~~

28 (8) "Criminal Justice System" means the whole of the State and local criminal justice agencies described
29 in Item (2) of this Rule.

30 ~~"Department Head"~~ "Agency Head" means the chief administrator of any criminal justice agency,
31 and specifically includes any chief of police or agency director. ~~"Department Head"~~ "Agency Head"
32 also includes a designee appointed in writing by the ~~Department Head.~~ Agency Head.

33 (10) "Director" means the Director of the Criminal Justice Standards Division of the North Carolina
34 Department of Justice.

35 (11) "Educational Points" means points earned toward the Professional Certificate Programs for studies
36 completed, with passing scores achieved, for semester hour or quarter hour credit at a regionally-

1 accredited institution of higher learning. Each semester hour of college credit equals one educational
2 point and each quarter hour of college credit equals two-thirds of an educational point.

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

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

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

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

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

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

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

21 (17) "Law Enforcement Code of Ethics" means the code adopted by the Commission on September 19,
22 1973, that reads as follows:

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

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

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

36 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
37 am true to the ethics of the police service. I will never engage in acts of corruption or bribery, nor will I condone such

1 acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit
2 of justice.

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

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

7 (18) "Juvenile Court Counselor" means a person responsible for intake services and court supervision
8 services to juveniles under the supervision of the chief court counselor.

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

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

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

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

24 (23) "Local Confinement Personnel" means any officer, supervisor, or administrator of a local
25 confinement facility in North Carolina as defined in G.S. 153A-217; any officer, supervisor, or
26 administrator of a county confinement facility in North Carolina as defined in G.S. 153A-218; or
27 any officer, supervisor, or administrator of a district confinement facility in North Carolina as
28 defined in G.S. 153A-219.

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

31 (a) "Class A Misdemeanor" means a misdemeanor committed or omitted in violation of any
32 common law, duly-enacted ordinance, or criminal statute of this State that is not classified
33 as a Class B Misdemeanor pursuant to Sub-item (24)(b) of this Rule. Class A Misdemeanor
34 also includes any act committed or omitted in violation of any common law, duly enacted
35 ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North
36 Carolina, either civil or military, for which the maximum punishment allowable for the
37 designated offense under the laws, statutes, or ordinances of the jurisdiction in which the

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

14 (b) "Class B Misdemeanor" means an act committed or omitted in violation of any common
15 law, criminal statute, or criminal traffic code of this State that is classified as a Class B
16 Misdemeanor as set forth in the Class B Misdemeanor Manual as published by the North
17 Carolina Department of Justice, incorporated herein by reference, and shall include any
18 later amendments and editions of the incorporated material as provided by G.S. 150B-21.6.
19 The publication is available from the Commission's website:
20 [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)
21 [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
22 or omitted in violation of any common law, duly enacted ordinance, criminal statute, or
23 criminal traffic code of any jurisdiction other than North Carolina, either civil or military,
24 for which the maximum punishment allowable for the designated offense under the laws,
25 statutes, or ordinances of the jurisdiction in which the offense occurred includes
26 imprisonment for a term of more than six months but not more than two years. Excluded
27 from this grouping of "Class B Misdemeanor" criminal offenses for jurisdictions other than
28 North Carolina, are motor vehicle or traffic offenses designated as being misdemeanors
29 under the laws of other jurisdictions with the following exceptions: Class B Misdemeanor
30 includes the following:

- 31 (i) either first or subsequent offenses of driving while impaired if the maximum
32 allowable punishment is for a term of more than six months but not more than two
33 years;
- 34 (ii) driving while license permanently revoked or permanently suspended;
- 35 (iii) those traffic offenses occurring in other jurisdictions which are comparable to the
36 traffic offenses specifically listed in the Class B Misdemeanor Manual; and

- 1 (iv) an act committed or omitted in North Carolina prior to October 1, 1994, in
2 violation of any common law, duly enacted ordinance, criminal statute, or
3 criminal traffic code of this State for which the maximum punishment allowable
4 for the designated offense included imprisonment for a term of more than six
5 months but not more than two years.
- 6 (25) "Qualified Assistant" means an additional staff person designated by the School Director to assist
7 in the administration of a course when an institution or agency assigns additional responsibilities to
8 the certified School Director during the planning, development, and implementation of a certified
9 course.
- 10 (26) "Radar" means a speed-measuring instrument that transmits microwave energy in the 10,500 to
11 10,550 MHZ frequency (X) band, the 24,050 to 24,250 MHZ frequency (K) band, or the 33,400 to
12 36,000 MHZ (Ka) band and operates in either the stationary or moving mode.
- 13 (27) "Resident" means any youth committed to a facility operated by the Department of Public Safety,
14 Division of Adult Correction and Juvenile Justice.
- 15 (28) "School" or "criminal justice school" means an institution, college, university, academy, or agency
16 that offers criminal justice, law enforcement, or traffic control and enforcement training for criminal
17 justice officers or law enforcement officers. "School" includes the criminal justice training course
18 curriculum, instructors, and facilities.
- 19 (29) "School Director" means the person designated by the sponsoring institution or agency to administer
20 the criminal justice school.
- 21 (30) "Speed-Measuring Instruments" (SMI) means those devices or systems, including RADAR, Time-
22 Distance and LIDAR, approved under authority of G.S. 17C-6(a)(13) for use in North Carolina in
23 determining the speed of a vehicle under observation and particularly includes all devices or systems
24 described or referenced in 12 NCAC 09C .0601.
- 25 (31) "Standards Division" means the Criminal Justice Standards Division of the North Carolina
26 Department of Justice.
- 27 (32) "Time-Distance" means a speed-measuring instrument that electronically computes, from
28 measurements of time and distance, the average speed of a vehicle under observation.

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30 *History Note: Authority G.S. 17C-2; 17C-6; 17C-10; 153A-217;*
31 *Eff. January 1, 1981;*
32 *Amended Eff. November 1, 1981; August 15, 1981;*
33 *Readopted Eff. July 1, 1982;*
34 *Temporary Amendment Eff. December 14, 1983 for a period of 120 days to expire on April 12, 1984;*
35 *Amended Eff. November 1, 1993; March 1, 1990; July 1, 1989;*
36 *Temporary Amendment Eff. October 1, 1994 for a period of 180 days to expire on April 1, 1995;*
37 *Amended Eff. August 1, 2000; April 1, 1999; August 1, 1998; January 1, 1995;*

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Temporary Amendment Eff. January 1, 2001;
Amended Eff. August 1, 2002; April 1, 2001;
Temporary Amendment Eff. April 15, 2003;
Amended Eff. January 1, 2017; February 1, 2016; January 1, 2015; January 1, 2006; June 1, 2005;
April 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
2019.
Amended Eff. October 1, 2022

1 12 NCAC 09B .0102 is amended as published in 36:19 NCR 1532-1554 as follows:

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3 **12 NCAC 09B .0102 BACKGROUND INVESTIGATION**

4 ~~(a) Any agency contemplating the employment of an applicant as a criminal justice officer shall, prior~~ Prior to
5 employment, an agency shall complete a background investigation on such applicant. all applicants for certification.
6 The investigation shall examine the applicant's character traits and habits relevant to performance as a ~~criminal justice~~
7 law enforcement officer and shall determine whether the applicant is of good moral character. This examination
8 includes completion of Commission forms Personal History Statement Form (F-3) and Mandated Background
9 Investigation Form (F-8), ensuring the proper certification and criminal history record check required by each.

10 (b) Prior to the investigation, the applicant shall complete the Commission's Personal History Statement Form (F-3)
11 to provide a basis for the investigation. The agency shall certify that the results of the background investigation are
12 consistent with the information provided by the applicant on the Personal History Statement Form (F-3) and give the
13 applicant the opportunity to update the Personal History Statement Form (F-3) prior to submission to the Division.

14 (c) The agency shall utilize an investigator with prior experience or training in conducting background investigations.
15 The investigator shall document the results of the investigation on the Mandated Background Investigation Form (F-
16 8) and shall include in the report of investigation:

- 17 (1) biographical data;
- 18 (2) family data;
- 19 (3) scholastic data;
- 20 (4) employment data;
- 21 (5) criminal history data;
- 22 (6) interviews with the applicant's references; and
- 23 (7) a summary of the investigator's findings and conclusions regarding the applicant's moral ~~character.~~
24 character known to the agency or listed on the applicant's Personal History Statement (F-3). This
25 documentation shall be included with all other documentation required in 12 NCAC 09C .0307.

26 (d) The employing agency shall include a signed and notarized Release Authorization Form that authorizes the
27 Division staff to obtain documents and records pertaining to the applicant for certification that may be required in
28 order to determine whether certification may be granted. For criminal justice officers employed by the North Carolina
29 Department of Juvenile Justice and Delinquency Prevention, the agency may use the method of documenting the
30 results of the background investigation it deems most appropriate to its needs in accordance with the Commission
31 form. However, the Commission's Mandated Background Investigation Form must be used as a guide of minimum
32 information to be collected and recorded by the investigator for all other criminal justice officer applicants that are
33 regulated by the Commission.

34 (e) The employing agency shall provide the results of a completed and processed form AOC-CR-280, Law
35 Enforcement Application for Verification of Expunction under G.S. 15A-145.4, 15A-145.5, 15A-145.6, 15A-145.8A
36 or 15A-146, for each applicant presented for certification. The AOC-CR-280 form is available on the Commission's
37 website at no cost <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>. Upon written

1 ~~request by the Director of the Standards Division, the employing agency shall provide the Commission with a copy~~
2 ~~of any background investigation retained by the agency.~~

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4 *History Note: Authority G.S. 17C-6;*

5 *Eff. January 1, 1981;*

6 *Amended Eff. August 1, 2002; August 1, 1998; July 1, 1989;*

7 *Temporary Amendment Eff. April 15, 2003;*

8 *Amended Eff. April 1, 2004;*

9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
10 *2019.*

11 *Amended Eff. October 1, 2022*

1 12 NCAC 09B .0104 is amended as published in 36:19 NCR 1532-1554 as follows:

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3 **12 NCAC 09B .0104 MEDICAL EXAMINATION**

4 (a) Each applicant for ~~employment as a criminal justice officer~~ certification or enrollment in a basic law enforcement
5 training course shall complete, sign, and date the Commission's Medical History Statement Form (F-1)
6 ~~within one year prior to employment by the employing agency~~ and shall be examined by either a surgeon, physician,
7 physician assistant, or nurse practitioner who is licensed to practice ~~medicine in~~ North Carolina or ~~by a surgeon,~~
8 ~~physician, physician assistant, or nurse practitioner~~ authorized to practice medicine in accordance with the rules and
9 regulations of the United States Armed Forces to help determine ~~his or her the applicant's fitness in to carry carrying~~
10 out the physical requirements of the ~~criminal justice officer position.~~ position of law enforcement officer.

11 (b) ~~The examining~~ Prior to conducting the examination, the surgeon, physician, physician assistant, or nurse
12 practitioner ~~shall: shall record the results of the examination on the Commission's Medical Examination Report Form~~
13 ~~and shall record any evidence of past or present defects, diseases, injuries, operations.~~

14 (1) read the "Medical Screening Guidelines for the Certification of Criminal Justice Officers in North
15 Carolina" as published by the North Carolina Department of Justice. Copies of this publication may
16 be obtained at no cost at <https://ncdoj.gov/law-enforcement-training/criminal-justice/>;

17 (2) read, sign, and date the Medical History Statement Form (F-1); and

18 (3) read the Instructions to Agency and Examiner for Completion of Medical Examination Report (F-
19 2A) Form attached to the Medical Examination Report Form (F-2).

20 (c) The examining physician, surgeon, physician's assistant, nurse practitioner, shall record the results of the
21 examination on the Medical Examination Report Form (F-2) and shall sign and date the form. An applicant for
22 employment as a law enforcement officer seeking general certification may not be employed or placed in a sworn law
23 enforcement position prior to the date on which the employing agency receives the report of the results of the medical
24 examination unless all of the following requirements are met:

25 (1) The applicant has completed and signed the applicant's certificate (Section A) of the Commission's
26 Report of Appointment, wherein the applicant's temporary employment and probationary law
27 enforcement officer certification is acknowledged to be contingent on a report to the Commission
28 of the completion of the drug screening of the individual being issued general certification.

29 (2) The requirements of this Paragraph shall be met within 60 days of the law enforcement officer being
30 issued general certification.

31 (d) The Medical Examination Report Form (F-2) and the Medical History Statement Form (F-1) shall be valid for
32 one year after the date the examination was conducted and shall be completed prior to:

33 (1) the applicant's beginning the Basic Law Enforcement Training Course and

34 (2) the agency submission of application for certification to the Commission.

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36 *History Note: Authority G.S. 17C-6; 17C-10;*
37 *Eff. January 1, 1981;*

1 *Amended Eff. April 1, 2018; October 1, 2017; November 1, 1993; February 1, 1991; March 1, 1990;*
2 *April 1, 1985;*
3 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
4 *2019.*
5 *Amended Eff. October 1, 2022*

1 12 NCAC 09B .0105 is amended as published in 36:19 NCR 1532-1554 as follows:

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3 **12 NCAC 09B .0105 ~~QUALIFICATIONS APPRAISAL~~ EMPLOYMENT INTERVIEW**

4 (a) Prior to ~~employing any applicant for employment~~ employment, as a criminal justice officer, the employing agency
5 shall conduct an interview of the applicant to ~~determine~~ evaluate the applicant's knowledge, skills and abilities and
6 ~~potential for demonstrating potential for success as a criminal justice law enforcement officer.~~

7 (b) The ~~Department~~ Agency head ~~should appoint a panel of staff members to sit as a unit with the Department head~~
8 ~~during the interview. However, the Department head may conduct the interview personally or by delegating~~ delegate
9 the responsibility to a qualified staff member or panel.

10 ~~(c) The agency may use the method of interviewing and recording the interview it deems most appropriate to its~~
11 ~~needs. The Commission's Qualifications Appraisal Interview form may be used as a guide for the interviewer.~~

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

14 *Eff. January 1, 1981;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
16 *2019.*

17 *Amended Eff. October 1, 2022*

1 12 NCAC 09B .0106 is amended as published in 36:19 NCR 1532-1554 as follows:

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3 **12 NCAC 09B .0106 DOCUMENTATION OF EDUCATIONAL REQUIREMENTS**

4 (a) Each applicant for ~~employment as a certification as a criminal justice law enforcement officer~~ shall furnish ~~to the~~
5 ~~employing agency~~ documentary evidence ~~that the applicant has met the educational requirements for the criminal~~
6 ~~justice field of expected employment.~~ of high school, college or university graduation to the employing agency.

7 Documentary evidence of high school graduation consists of diplomas or transcripts from public schools or private
8 schools which meet standards adopted by either the North Carolina Department of Public Instruction, the Division of
9 Non-Public Instruction, or a comparable out of state agency; or such documentation as described in Paragraphs (b),
10 (c), (d), and (e) of this Rule. Documentary evidence of college or university graduation consists of diplomas or
11 transcripts from colleges or universities accredited as such by the Department of Education of the state in which the
12 institution is located, an accredited body recognized by either the U.S. Department of Education or Council for Higher
13 Education Accreditation, or the state university of the state in which the institution is located.

14 (b) High school diplomas earned through home school programs must be accompanied by a true and accurate or
15 certified transcript and must meet the requirements of Part 3 of Article 39 of Chapter 115C of the North Carolina
16 General Statutes, or a comparable out-of-state statute. Documentary evidence of educational requirements shall consist
17 of official transcripts of courses completed or diplomas received from a school that meets the approval guidelines of
18 either the North Carolina Department of Public Instruction, the Division of Non-Public Instruction, or a comparable
19 out of state agency. Documentary evidence of college or university graduation consists of diplomas or transcripts
20 from colleges or universities accredited by the Department of Education of the state in which the institution is located,
21 from an accredited body recognized by either the U.S. Department of Education or the Council for Higher Education
22 Accreditation, or from the state university of the state in which the institution is located. High school diplomas earned
23 through correspondence enrollment in an entity that charges a fee and requires the individual to complete little or no
24 education or coursework to obtain a high school diploma shall not be recognized toward these minimum educational
25 requirements.

26 (c) Diplomas earned from high schools or equivalent institutions outside of the United States must be translated into
27 English and be accompanied by an authentic transcript. Transcripts shall be evaluated to ensure they are scholastically
28 comparable to United States curriculum requirements. Documentary evidence of having received a high school
29 equivalency credential from the issuing state shall be satisfied by a certified copy of a high school equivalency
30 credential from the issuing state.

31 (d) High school diplomas earned through on-line or correspondence courses shall be evaluated on a case by case
32 basis. Such diplomas must meet state and local requirements for the jurisdiction from which the diploma was issued.

33 (e) Documentary evidence of having earned a High School Equivalency (HSE) diploma shall be satisfied by a certified
34 copy of a high school equivalency credential or an adult high school diploma, both of which must be recognized by
35 the U.S. Department of Education, the state Department of Education, or educational agency that is authorized in the
36 state to issue High School Equivalency (HSE) diplomas.

1 (f) Documentary evidence of the attainment of satisfactory scores on any military high school equivalency
2 examination is acceptable as evidence of high school graduation if verified by a true copy of the veteran's DD214.

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

5 *Eff. January 1, 1981;*

6 *Amended Eff. April 1, 2018; February 1, 2016; November 1, 2015; June 1, 2012; August 1, 2000;*

7 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
8 *2019.*

9 *Amended Eff. October 1, 2022*

1 12 NCAC 09B .0111 is amended as published in 36:19 NCR 1532-1554 as follows:

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12 NCAC 09B .0111 CRIMINAL HISTORY RECORD ~~MINIMUM STANDARDS FOR LAW ENFORCEMENT OFFICERS~~

(a) Consistent with and subject to the requirements of 12 NCAC 09A .0204, every law enforcement officer employed or certified in North Carolina shall not have committed or been convicted by a local, state, federal or military court of: In addition to the requirements for criminal justice officers contained in Rule .0101 of this Section, every law enforcement officer employed by an agency in North Carolina shall:

- ~~(1)~~ not have committed or been convicted of:
 - ~~(1) (a)~~ a felony;
 - ~~(2) (b)~~ a crime for which the punishment could have been imprisonment for more than two years;
 - ~~(3) (c)~~ a crime or unlawful act defined as a "Class B misdemeanor" within the five year period prior to the date of ~~application~~ certification for employment;
 - ~~(4)~~ a crime or unlawful act defined as a "Class B Misdemeanor" and which occurred after the date of certification;
 - ~~(5) (d)~~ four or more crimes or unlawful acts defined as "Class B misdemeanors" regardless of the date of conviction;
 - ~~(6) (e)~~ four or more crimes or unlawful acts defined as "Class A misdemeanors" except the applicant may be employed if the last conviction occurred more than two years prior to the date of ~~certification~~ application for employment; or
 - ~~(7) (f)~~ a combination of four or more "Class A or B Misdemeanors" regardless of the date;
 - ~~(8)~~ for personnel who are authorized to carry a firearm in the execution of their duties, an offense that, pursuant to 18 USC 922(g)(8), would prohibit the possession of a firearm or ammunition. ~~ammunition;~~

(b) The requirements of this Rule shall be applicable at all times during which the officer is certified by the Commission and shall also apply to all applications for certification.

- ~~(2)~~ ~~be a high school, college, or university graduate or have passed the General Educational Development Test indicating high school equivalency; and~~
- ~~(3)~~ ~~satisfactorily complete the employing agency's in service firearms training program as prescribed in 12 NCAC 09E .0105 and .0106. Such firearms training compliance must have occurred prior to submission of the application for appointment to the Commission and must be completed using the agency approved service handgun(s) and any other weapon(s) that the applicant has been issued or authorized to use by the agency.~~

*History Note: Authority G.S. 17C-2; 17C-6; 17C-10;
Eff. January 1, 1981;*

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Amended Eff. November 1, 2015; April 1, 2009; August 1, 1998; December 1, 1987; October 1, 1985; January 1, 1985; January 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.
Amended Eff. October 1, 2022

1 12 NCAC 09B .0114 is amended with changes as published in 36:19 NCR 1532-1554 as follows:

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3 **12 NCAC 09B .0114 MINIMUM STANDARDS FOR LOCAL CONFINEMENT PERSONNEL**

4 ~~In addition to the requirements for criminal justice law enforcement officers contained in Rule .0101 of this Section,~~
5 Every officer, supervisor, or administrator employed by a local confinement facility in North Carolina shall:

- 6 ~~(1) not have committed or been convicted of:~~
7 ~~(a) a felony; or~~
8 ~~(b) a crime for which the punishment could have been imprisonment for more than two years;~~
9 ~~or~~
10 ~~(c) a crime or unlawful act defined as a "Class B misdemeanor" within the five year period~~
11 ~~prior to the date of application for employment; or~~
12 ~~(d) four or more crimes or unlawful acts defined as "Class B misdemeanors" regardless of the~~
13 ~~date of conviction; or~~
14 ~~(e) four or more crimes or unlawful acts defined as "Class A misdemeanors" except the~~
15 ~~applicant may be employed if the last conviction occurred more than two years prior to the~~
16 ~~date of application for employment;~~
17 ~~(2) be a high school, college, or university graduate or have passed the General Educational~~
18 ~~Development Test indicating high school equivalency.~~
19 (1) be a citizen of the United States;
20 (2) be at least 20 years of age;
21 (3) be a high school graduate, or the equivalent as defined in 12 NCAC 09B .0106;
22 (4) have been fingerprinted by the employing agency in the manner provided in 12 NCAC 09B .0103;
23 (5) have had a medical examination as required by 12 NCAC 09B .0104;
24 (6) have produced a negative result on a drug screen as described in 12 NCAC 09C .0310;
25 (7) have been administered a psychological screening examination in accordance with G.S. 17C-10(c).
26 The psychological screening examination shall be valid for a period of one year from the date on
27 which it was administered.
28 (8) have been interviewed as described in 12 NCAC 09B .0105; and
29 (9) have a background investigation conducted by the employing agency, including a personal interview
30 as required by 12 NCAC .09B .0102;
31 (10) not have committed or been convicted of a crime or crimes as specified in 12 NCAC 09B .0111;
32 (11) be of good moral character as defined in : In re Willis 288 N.C. 1, 215 S.E. 2d 771 appeal dismissed
33 423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E. 2d 854 (1940); In re Legg, 325 N.C. 658,
34 386 S.E. 2d 174(1989); in re Applicants for License, 143 N.C. 1, 55 S.E. 635 (1906); In re
35 Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E. 2d 647
36 (1983); and later court decisions.
37 (12) Make the following notifications:

- 1 (a) within 30 5 days of the qualifying event notify the Standards Division and the appointing
2 agency head in writing of all criminal offenses for which the officer is charged or arrested.
3 This shall include traffic offenses identified in the Class B Misdemeanor Manual and
4 offenses of driving under the influence (DUI) or driving while impaired (DWI);
- 5 (b) within 30 5 days of the qualifying event notify the Standards Division and the appointing
6 agency head in writing of all criminal offenses for which the officer pleads no contest,
7 pleads guilty or of which the officer is found guilty. This shall include traffic offenses
8 identified in the Class B Misdemeanor Manual and offenses of driving under the influence
9 (DUI) or driving while impaired (DWI);
- 10 (c) within 30 5 days of service, officers shall notify the Standards Division of all Domestic
11 Violence Protective Order (G.S. 50B) and Civil No Contact Orders (G.S. 50C) that are
12 issued by a judicial official against the officer;
- 13 (d) within 30 5 days of the date the case was disposed of in court, the agency head, provided
14 he or she has knowledge of the officer's arrests or criminal charges and final dispositions,
15 shall also notify the Standards Division of arrests or criminal charges and final disposition;
- 16 (e) within 30 5 days of the issuance of all Domestic Violence Protective Orders (G.S. 50B)
17 and Civil No Contact Orders (G.S. 50C), the agency head, provided he or she has
18 knowledge of the order, shall also notify the Standards Division of these orders.
- 19 (f) The required notifications in this Rule shall be in writing and shall specify the nature of the
20 offense or order, the court in which the case was handled, the date of the arrest, criminal
21 charge, or service of the order, and the final disposition. The notification shall include a
22 certified copy of the order or court documentation and final disposition from the Clerk of
23 Court in the county of adjudication. The requirements of this Item shall be applicable at all
24 times during which the officer is employed and certified by the Commission and shall also
25 apply to all applicants for certification. Receipt by the Standards Division of a single
26 notification, from the officer or the agency head, shall be sufficient notice for compliance
27 with this Item.

28 (13) The requirements of this Rule shall apply to all applicants for certification and shall also apply at all
29 times during which the law enforcement officer is certified by the Commission.

30
31 *History Note: Authority G.S. 17C-6; 17C-10;*
32 *Eff. January 1, 1981;*
33 *Amended Eff. April 1, 2018; October 1, 2017; September 1, 2001; April 1, 1999; January 1, 1995;*
34 *November 1, 1993; July 1, 1990;*
35 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
36 *2019;*
37 *Amended Eff. October 1, 2022*

1 12 NCAC 09B .0116 is amended with changes as published in 36:19 NCR 1532-1554 as follows:

2
3 **12 NCAC 09B .0116 MINIMUM STANDARDS FOR JUVENILE COURT COUNSELORS AND CHIEF**
4 **COURT COUNSELORS COURT COUNSELORS**

5 ~~In addition to the requirements for criminal justice officers contained in Rule .0101 of this Section, every~~ Every
6 juvenile court counselor and chief court counselor employed by the North Carolina Department of Juvenile Justice
7 and Delinquency Prevention shall:

8
9 ~~(1) not have committed or been convicted of:~~

10 ~~(a) a felony;~~

11 ~~(b) a crime for which the punishment could have been imprisonment for more than two years;~~

12 ~~(c) a crime or unlawful act defined as a "Class B misdemeanor" within the five year period~~
13 ~~prior to the date of application for employment;~~

14 ~~(d) four or more crimes or unlawful acts defined as "Class B misdemeanors" regardless of the~~
15 ~~date of conviction; or~~

16 ~~(e) four or more crimes or unlawful acts defined as "Class A misdemeanors" except the~~
17 ~~applicant may be employed if the last conviction occurred more than two years prior to the~~
18 ~~date of application for employment; and~~

19 ~~(2) have attained a bachelor's degree from a regionally accredited institution of higher learning.~~

20 ~~(1) be a citizen of the United States;~~

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

22 ~~(3) have attained a bachelor's degree from a regionally accredited institution of higher learning;~~

23 ~~(4) have been fingerprinted by the employing agency in the manner provided in 12 NCAC 09B .0103;~~

24 ~~(5) have had a medical examination as required by 12 NCAC 09B .0104;~~

25 ~~(6) have produced a negative results on a drug screen as described in 12 NCAC 09C .0310;~~

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

29 ~~(8) have been interviewed as described in 12 NCAC 09B .0105;~~

30 ~~(9) use the method of documenting the results of the background investigation it deems most~~
31 ~~appropriate to its needs in accordance with the Commission form. However, the Commission's~~
32 ~~Mandated Background Investigation Form (F-8) must be used as a guide of minimum information~~
33 ~~to be collected and recorded by the investigator for all other law enforcement officer applicants that~~
34 ~~are regulated by the Commission;~~

35 ~~(10) not have committed or been convicted of a crime or crimes as specified in 12 NCAC 09B .0111;~~

36 ~~(11) be of good moral character as defined in : In re Willis 288 N.C. 1, 215 S.E. 2d 771 appeal dismissed~~
37 ~~423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E. 2d 854 (1940); In re Legg, 325 N.C. 658,~~

1 386 S.E. 2d 174(1989); in re Applicants for License, 143 N.C. 1, 55 S.E. 635 (1906); In re
2 Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E. 2d 647
3 (1983); and later court decisions.

4 (12) Make the following notifications:

5 (a) within 30 5 days of the qualifying event notify the Standards Division and the appointing
6 agency head in writing of all criminal offenses for which the officer is charged or arrested.
7 This shall include traffic offenses identified in the Class B Misdemeanor Manual and
8 offenses of driving under the influence (DUI) or driving while impaired (DWI);

9 (b) within 30 5 days of the qualifying event notify the Standards Division and the appointing
10 agency head in writing of all criminal offenses for which the officer pleads no contest
11 pleads guilty or of which the officer is found guilty. This shall include traffic offenses
12 identified in the Class B Misdemeanor Manual and offenses of driving under the influence
13 (DUI) or driving while impaired (DWI);

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

17 (d) within 30 5 days of the date the case was disposed of in court, the agency head, provided
18 he or she has knowledge of the officer's arrests or criminal charges and final dispositions,
19 shall also notify the Standards Division of arrests or criminal charges and final disposition;

20 (e) within 30 5 days of the issuance of all Domestic Violence Protective Orders (G.S. 50B)
21 and Civil No Contact Orders (G.S. 50C), the agency head, provided he or she has
22 knowledge of the order, shall also notify the Standards Division of these orders.

23 (f) The required notifications in this Rule shall be in writing and shall specify the nature of the
24 offense or order, the court in which the case was handled, the date of the arrest, criminal
25 charge, or service of the order, and the final disposition. The notification shall include a
26 certified copy of the order or court documentation and final disposition from the Clerk of
27 Court in the county of adjudication. The requirements of this Item shall be applicable at all
28 times during which the officer is employed and certified by the Commission and shall also
29 apply to all applicants for certification. Receipt by the Standards Division of a single
30 notification, from the officer or the agency head, shall be sufficient notice for compliance
31 with this Item.

32 (14) The requirements of this Rule shall apply to all applicants for certification and shall also apply at all
33 times during which the law enforcement officer is certified by the Commission.

34
35 *History Note: Authority G.S. 17C-6;*
36 *Temporary Adoption Eff. April 15, 2003;*
37 *Eff. April 1, 2004;*

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

Amended Eff. October 1, 2022

1 12 NCAC 09B .0117 is proposed amended with changes as published in 36:19 NCR 1532-1554 as follows:

2
3 **12 NCAC 09B .0117 MINIMUM STANDARDS FOR JUVENILE JUSTICE OFFICERS**

4 ~~In addition to the requirements for criminal justice officers contained in Rule .0101 of this Section, every~~ Every
5 juvenile justice officer employed by the North Carolina Department of Juvenile Justice and Delinquency Prevention
6 shall:

- 7 ~~(1) not have committed or been convicted of:~~
8 ~~(a) a felony;~~
9 ~~(b) a crime for which the punishment could have been imprisonment for more than two years;~~
10 ~~(c) a crime or unlawful act defined as a "Class B misdemeanor" within the five year period~~
11 ~~prior to the date of application for employment;~~
12 ~~(d) four or more crimes or unlawful acts defined as "Class B misdemeanors" regardless of the~~
13 ~~date of conviction; or~~
14 ~~(e) four or more crimes or unlawful acts defined as "Class A misdemeanors" except the~~
15 ~~applicant may be employed if the last conviction occurred more than two years prior to the~~
16 ~~date of application for employment; and~~
17 ~~(2) be a high school, college, or university graduate or have passed the General Equivalency~~
18 ~~Development Test indicating high school equivalency.~~
19 (1) be a citizen of the United States;
20 (2) be at least 20 years of age;
21 (3) be a high school graduate, or the equivalent as defined in 12 NCAC 09B .0106;
22 (4) have been fingerprinted by the employing agency in the manner provided in 12 NCAC 09B .0103;
23 (5) have had a medical examination as required by 12 NCAC 09B .0104;
24 (6) have produced a negative results on a drug screen as described in 12 NCAC 09C .0310;
25 (7) have been administered a psychological screening examination in accordance with G.S. 17C-10(c).
26 The psychological screening examination shall be valid for a period of one year from the date on
27 which it was administered.
28 (8) have been interviewed as described in 12 NCAC 09B .0105; and
29 (9) use the method of documenting the results of the background investigation it deems most
30 appropriate to its needs in accordance with the Commission form. However, the Commission's
31 Mandated Background Investigation Form (F-8) must be used as a guide of minimum information
32 to be collected and recorded by the investigator for all other law enforcement officer applicants that
33 are regulated by the Commission;
34 (10) not have committed or been convicted of a crime or crimes as specified in 12 NCAC 09B .0111;
35 (11) be of good moral character as defined in : In re Willis 288 N.C. 1, 215 S.E. 2d 771 appeal dismissed
36 423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E. 2d 854 (1940); In re Legg, 325 N.C. 658,
37 386 S.E. 2d 174(1989); in re Applicants for License, 143 N.C. 1, 55 S.E. 635 (1906); In re

1 Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E. 2d 647
2 (1983); and later court decisions.

3 (12) Make the following notifications:

4 (a) within 30 5 days of the qualifying event notify the Standards Division and the appointing
5 agency head in writing of all criminal offenses for which the officer is charged or arrested.
6 This shall include traffic offenses identified in the Class B Misdemeanor Manual and
7 offenses of driving under the influence (DUI) or driving while impaired (DWI);

8 (b) within 30 5 days of the qualifying event notify the Standards Division and the appointing
9 agency head in writing of all criminal offenses for which the officer pleads no contest,
10 pleads guilty or of which the officer is found guilty. This shall include traffic offenses
11 identified in the Class B Misdemeanor Manual and offenses of driving under the influence
12 (DUI) or driving while impaired (DWI);

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

16 (d) within 30 5 days of the date the case was disposed of in court, the agency head, provided
17 he or she has knowledge of the officer's arrests or criminal charges and final dispositions,
18 shall also notify the Standards Division of arrests or criminal charges and final disposition;

19 (e) within 30 5 days of the issuance of all Domestic Violence Protective Orders (G.S. 50B)
20 and Civil No Contact Orders (G.S. 50C), the agency head, provided he or she has
21 knowledge of the order, shall also notify the Standards Division of these orders.

22 (f) The required notifications in this Rule shall be in writing and shall specify the nature of the
23 offense or order, the court in which the case was handled, the date of the arrest, criminal
24 charge, or service of the order, and the final disposition. The notification shall include a
25 certified copy of the order or court documentation and final disposition from the Clerk of
26 Court in the county of adjudication. The requirements of this Item shall be applicable at all
27 times during which the officer is employed and certified by the Commission and shall also
28 apply to all applicants for certification. Receipt by the Standards Division of a single
29 notification, from the officer or the agency head, shall be sufficient notice for compliance
30 with this Item.

31 (14) The requirements of this Rule shall apply to all applicants for certification and shall also apply at all
32 times during which the law enforcement officer is certified by the Commission.

33
34 *History Note: Authority G.S. 17C-2; 17C-6; 17C-10;*
35 *Temporary Adoption Eff. April 15, 2003;*
36 *Eff. April 1, 2004;*
37 *Amended Eff. November 1, 2015;*

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*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
2019.
Amended Eff. October 1, 2022*

1 12 NCAC 09B .0314 is amended with changes as published in 36:19 NCR 1532-1554 as follows:

2
3 **12 NCAC 09B .0314 CERTIFICATION OF DIVERSION INVESTIGATORS AND SUPERVISORS**

4 (a) The diversion training courses for investigators and supervisors shall provide the trainee with the skills and
5 knowledge to perform the duties of a law enforcement Diversion Investigator or Supervisor. The diversion training
6 course for investigators shall be 20 classroom hours. The diversion training course for supervisors shall be
7 administered in a four hour online training course. To be certified as a Diversion Investigator or Diversion Supervisor
8 the trainee shall complete the respective diversion training course and achieve a minimum score of 70 percent on the
9 comprehensive written or online examination.

10 (b) Applications for Diversion Investigator or Diversion Investigator Supervisor Certification shall be submitted to
11 the Standards Division within 60 days of the date the applicant passed the State comprehensive examination
12 administered at the conclusion of the Commission-accredited diversion training program. Persons having completed
13 the Commission-accredited diversion training course and not having submitted the application within 60 days of the
14 date the applicant passed the State comprehensive examination shall complete a subsequent Commission-accredited
15 diversion training course in its entirety.

16 (c) Only a Sheriff, deputy sheriff, or law enforcement officer certified or appointed through the North Carolina
17 Criminal Justice Education and Training Standards or North Carolina Sheriffs' Education and Training Standards
18 Commissions and employed by a law enforcement agency shall be enrolled in a diversion training course. A trainee
19 shall not be certified as a Diversion Investigator or Diversion Supervisor until the Basic Law Enforcement Training
20 course, pursuant to Rule .0205 of this Subchapter, has been completed with passing scores and probationary or general
21 law enforcement certification has been granted. Sheriffs and appointed deputy sheriffs shall be allowed to participate
22 in the diversion training courses on a space available basis at the discretion of the Diversion Training Course School
23 Director without having enrolled in, or having completed with passing scores, the Basic Law Enforcement Training
24 course, pursuant to Rule .0205 of this Subchapter and 12 NCAC 09G .0411 and without being currently certified in a
25 probationary status or holding justice officer certification.

26 (d) Special Agents with the North Carolina State Bureau of Investigation deemed Diversion Investigators as of July
27 1, 2019, shall be automatically granted certification under this Rule for a period of three years.

28 (e) The term of certification as a Diversion Investigator or Supervisor shall be three years. An application for renewal
29 shall be received by the CJ Standards Division within 60 days **from prior to** the current certification date and shall
30 include the following:

31 (1) proof that the applicant completed the one hour Diversion Investigator or Diversion Supervisor refresher
32 training as provided by the NC Justice Academy.

33 (2) a completed Diversion Investigator/Supervisor Application, Form F-22(LE).

34 ~~(f)~~(e) The "Diversion Training Courses" required for certification, authored by the North Carolina State Bureau of
35 Investigation and published by the North Carolina Justice Academy, shall include the topic areas as outlined in G.S.
36 17C-6(a)(19) and is to be applied as the basic curriculum for the Diversion Training Courses for Diversion Investigator

1 and Diversion Supervisors as administered by the Commission. Copies of this publication may be inspected at the
2 office of the agency:

3 Criminal Justice Standards Division
4 North Carolina Department of Justice
5 1700 Tyron Park Drive
6 Post Office Drawer 149
7 Raleigh, North Carolina 27602

8 and obtained at cost from the Academy at the following address:

9 North Carolina Justice Academy
10 Post Office Box 99
11 Salemburg, North Carolina 28385

12
13 *History Note: Authority G.S. 17C-6; 17E-4; 90-113.74E;*
14 *Eff. February 1, 2020;*
15 *Amended Eff. January 1, 2021.*
16 *Amended Eff. October 1, 2022*
17

1 12 NCAC 09B .0701 is adopted as published in 36:19 NCR 1532-1554 as follows:
2

3 **SECTION .0700 – MILITARY TRAINED APPLICANT**
4

5 **12 NCAC 09B .0701 MILITARY TRANSFEREES**

6 (a) Pursuant to G.S. 17C-10.1 a current or honorably-discharged former military police officer seeking certification
7 as a law enforcement officer shall submit to the Standards Division a completed Form F-21, Request for Military
8 Evaluation for BLET, and copies of the individual's military law enforcement training and personnel records and
9 Certificate of Release or Discharge documentation from Military Service. Form F-21 is located on the agency's
10 website: [http://www.ncdoj.gov/getdoc/f7c44036-d56a-4c12-90a3-d73a8806493f/F-21_Military-EvalCJ_6-8-](http://www.ncdoj.gov/getdoc/f7c44036-d56a-4c12-90a3-d73a8806493f/F-21_Military-EvalCJ_6-8-15.aspx)
11 [15.aspx](http://www.ncdoj.gov/getdoc/f7c44036-d56a-4c12-90a3-d73a8806493f/F-21_Military-EvalCJ_6-8-15.aspx).

12 (b) Upon receipt of the documentation prescribed in Paragraph (a) of this Rule, the Standards Division shall evaluate
13 the applicant's combined training and experience pursuant to G.S. 93B-15.1 to determine if the applicant's combined
14 training and experience is substantially equivalent to or exceeds the minimum requirements for employment as a law
15 enforcement officer as prescribed in Rules 09B .0101, 09B .0111, and 09B .0403 of this Subchapter.

16 (c) The Division shall issue probationary certification, pursuant to Rule 09C .0303 of this Chapter, to an applicant
17 who meets the following requirements:

- 18 (1) has completed a formal military basic training program and been awarded a military police
19 occupational specialty rating;
- 20 (2) has performed military police officer duties in any of the branches of military service, active or
21 reserve, or the National Guard for not less than two of the five years preceding the date of application
22 for certification as a law enforcement officer; and
- 23 (3) whose combined training and experience is determined to be substantially equivalent to or exceeds
24 the minimum expectations for employment as a law enforcement officer as prescribed in Rules
25 .0101, .0111, and .0403(2) of this Subchapter.

26 (d) An applicant certified pursuant to Paragraph (c) of this Rule shall complete, within one year of being issued
27 certification, the following with passing scores pursuant to Rule .0405(b) of this Subchapter:

- 28 (1) the Basic Law Enforcement Training topics pursuant to Rule .0205(b)(1) and (b)(6)(A) of this
29 Subchapter; and
- 30 (2) the Basic Law Enforcement Training comprehensive written exam pursuant to Rule .0406(d) of this
31 Subchapter.

32 (e) An applicant certified pursuant to Paragraph (c) of this Rule shall complete the in-service Firearms Training and
33 Qualification course pursuant to 12 NCAC 09E .0106 prior to beginning employment with the hiring agency.

34 (f) The Division shall issue probationary certification to a current or honorably discharged military police officer
35 whose combined training and experience is not substantially equivalent to or does not exceed the minimum
36 requirements for employment as a law enforcement officer, as specified in Rule .0403 of this Subchapter, if the
37 applicant meets the following requirements:

- 1 (1) completed a formal military basic training program and been awarded a military police occupational
2 specialty rating;
- 3 (2) performed military police officer duties in any of the branches of military service, active or reserve,
4 or the National Guard for not less than two of the five years preceding the date of application for
5 certification as a law enforcement officer;
- 6 (3) meets the minimum standards for law enforcement officers as prescribed in Rule .0101 and Rule
7 .0111 of this Subchapter;
- 8 ~~(4) completes with passing scores pursuant to Rule .0405(b) of this Subchapter the Basic Law~~
9 ~~Enforcement Training topics pursuant to Rule .0205(b)(1), (b)(2)(F), (b)(3)(B), (b)(3)(D), (b)(4)(F),~~
10 ~~(b)(5)(C), (b)(5)(G), (b)(6)(A), and (b)(7) of this Subchapter; and~~
- 11 ~~(5) achieves a passing score on the Basic Law Enforcement Training comprehensive written~~
12 ~~examination pursuant to Rule .0406(d) of this Subchapter.~~

13 (g) An applicant certified pursuant to Paragraph (f) of this Rule shall complete, within one year of being issued
14 certification, the following with passing scores pursuant to Rule 0405(b) of this Subchapter;

- 15 (1) the Basic Law Enforcement Training topics pursuant to Rule .0205(b)(1), (b)(2)(F), (b)(3)B,
16 (b)(3) (D), (b)(4)(E), (b)(5)(C), (b)(5)(G), (b)(6)(A), and (b)(7) of this Subchapter; and
- 17 (2) achieve a passing score on the Basic Law Enforcement Training comprehensive written
18 examination pursuant to Rule .0406(d) of this Subchapter..

19 (h) The Division shall waive any training topic in Paragraph ~~(f)~~(4)(g)(1) of this Rule if the applicant provides
20 documentation indicating he or she has completed substantially equivalent combined military training and
21 experience in that topic.

22 ~~(i)(h)~~ Members of the Air/Army National Guard and Military Reserve Components who have performed as a military
23 police officer for not less than 1,040 hours during the five years preceding the date of application for certification shall
24 be deemed to satisfy the requirements of Paragraph (c)(2) and Paragraph (f)(2) of this Rule.

25 ~~(j)(i)~~ An applicant who, after completing the required training in Paragraph (d)(1) or ~~(f)(4)~~ (g)(1) of this Rule, fails to
26 achieve a passing score on the Basic Law Enforcement Training comprehensive written exam may be retested in the
27 units the applicant failed. An applicant who fails three or more units must enroll in and complete with passing scores
28 a subsequent delivery of the Basic Law Enforcement Training course in its entirety in order to be eligible for
29 certification.

30 ~~(k)(j)~~ An active duty military police officer who obtains certification while on active duty under this Rule may retain
31 the certification for the duration of active duty provided the officer continues to perform military police officer duties
32 and complies with the in-service training requirements, as specified in Rule .0105 of this Chapter. An active duty
33 military police officer who is unable to complete annual in-service requirements due to deployment or overseas
34 assignment shall have 12 months from the time the officer returns to the United States in which to complete the in-
35 service training requirements, as specified in Rule .0105 of this Chapter for each year he or she was unable to complete
36 due to overseas assignment. The officer shall retain the certification for a period of one year following separation from
37 active duty.

1 ~~(1)(e)~~ When completing the required training topics specified in Paragraph (d)(1) or Paragraph ~~(f)(4)~~ (g)(1) of this
2 Rule, the individual shall meet all requirements specified in Rule .0203 and Rule .0405 of this Subchapter.

3

4 *History Note: Authority G.S. 17C-2; 17C-6; 17C-10; 93B-15.1;*

5 *Eff. July 1, 2016;*

6 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
7 *2019.*

8 *Amended Eff. October 1, 2022*

9

1 12 NCAC 09C .0310 is amended as published in 36:19 NCR 1532-1554 as follows:

2
3 **12 NCAC 09C .0310 AGENCY REPORTING OF DRUG SCREENING RESULTS**

4 (a) Every law enforcement officer shall have produced a negative result on a drug screen administered according to
5 the following specifications:

6 (1) the drug screen shall be a urine test consisting of an initial screening test using an
7 immunoassay method and a confirmatory test on an initial positive result using a gas
8 chromatography/mass spectrometry (GC/MS) or other initial and confirmatory tests
9 authorized or mandated by the Department of Health and Human Services for Federal
10 Workplace Drug Testing Programs;

11 (2) a chain of custody shall be maintained on the specimen from collection to the eventual
12 discarding of the specimen;

13 (3) the drug screen shall test for the presence of at least cannabis, cocaine, phencyclidine
14 (PCP), opiates, and amphetamines or their metabolites;

15 (4) the test threshold values meet the requirements established by the Department of Health
16 and Human Services for Federal Workplace Drug Testing Programs, as found in 82 FR
17 7920 (2017) incorporated by reference, including later amendments and editions found at
18 no cost at [https://www.federalregister.gov/documents/2017/01/23/2017-](https://www.federalregister.gov/documents/2017/01/23/2017-00979/mandatory-guidelines-for-federal-workplace-drug-testing-programs)
19 00979/mandatory-guidelines-for-federal-workplace-drug-testing-programs;

20 (5) conduct the test within 90 days of certification;

21 (6) the laboratory conducting the test shall be certified for federal workplace drug testing
22 programs, and shall adhere to applicable federal rules, regulations, and guidelines
23 pertaining to the handling, testing, storage, and preservation of samples.

24 (b) Each agency shall report in writing to the Criminal Justice Standards Division all refusals and all positive results
25 of required drug screening obtained from applicants and lateral transfers. If the positive result were explained to the
26 satisfaction of the agency's medical review officer, who shall be a licensed physician, the positive results are not
27 required to be reported.

28 (c)(b) Each agency, if it conducts a drug screen for in-service officers, shall report in writing positive results or
29 refusals to submit to an in-service drug screening to the Criminal Justice Standards Division within 30 days of the
30 positive result or refusal, unless the positive result has been explained to the satisfaction of the agency's medical review
31 officer-officer, who shall be a licensed physician, to the extent the drug screen conducted conforms to the specifications
32 of ~~this Rule~~. ~~12 NCAC 09B .0101(5)(a), (b), (c), (d), and (f).~~

33 (d)(e) For reporting purposes, a result is considered "positive" only in those cases where the drug screen reveals the
34 presence of an illegal drug at a level equal to or greater than the threshold value as established by the Department of
35 Health and Human Services for Federal Workplace Drug Testing Programs and incorporated by reference in ~~this Rule~~.

1 ~~(e)(4)~~ All written reports required to be submitted to the Criminal Justice Standards Division by this Rule shall contain
2 the individual's name, date of birth, either the date the test was administered or the date of the refusal, and a copy of
3 the drug screen panel with the results of the medical officer review.
4

5 *History Note: Authority G.S. 17C-6; 17C-10;*
6 *Eff. July 1, 1990;*
7 *Amended Eff. October 1, 2018; May 1, 2009;*
8 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
9 *2019.*
10 *Amended Eff. October 1, 2022*