

1 12 NCAC 09B .0305 is amended with changes as published in 37:11 NCR 784-791

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3 **12 NCAC 09B .0305 TERMS AND CONDITIONS OF SPECIALIZED INSTRUCTOR**
4 **CERTIFICATION**

5 (a) An applicant meeting the requirements for Specialized Instructor Certification as set forth in Rule .0304 of this
6 Section shall be issued a certification to expire three years from the date of issuance. The applicant shall apply for
7 certification as a Specialized Instructor within 60 days after the date the applicant achieved a passing score on the state
8 comprehensive exam for the respective Specialized Instructor training course.

9 (b) Where certification for both General Probationary Instructor as set forth in Rule .0303 of this Section and
10 Specialized Instructor Certification are issued on the same date, the instructor is required to instruct, within three years
11 after certification, a minimum of 12 hours in each of the topics for which Specialized Instructor Certification was
12 granted, and that instruction was provided in a Commission-accredited basic training, Specialized Instructor Training,
13 Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 10B .0601,
14 .1302, or .2005. The instructor may satisfy the teaching requirement for the General Probationary Instructor
15 certification by teaching any specialized topic for which certification has been issued.

16 (c) When Specialized Instructor Certification is issued during an existing period of General Probationary Instructor
17 Certification, the specialized instructor may satisfy the teaching requirement for the General Probationary Certification
18 by teaching the specialized subject for which certification has been issued.

19 (d) The term of certification as a specialized instructor shall be three years. An application for renewal shall contain,
20 in addition to the requirements listed in Rule .0304 of this Section, documentary evidence that the applicant has
21 remained active in the instructional process during the previous three-year period. Such documentary evidence shall
22 include the following:

23 (1) proof that the applicant has, within the three-year period preceding application for renewal,
24 instructed at least 12 hours in each of the topics for which Specialized Instructor Certification was
25 granted, and that instruction was provided in a Commission-accredited basic training, Specialized
26 Instructor Training, Commission-recognized in-service training course, or training course delivered
27 pursuant to 12 NCAC 10B .0601, .1302, or .2005. Acceptable documentary evidence shall include
28 official Commission records submitted by School Directors or In-Service Training Coordinators and
29 written certification from a School Director or In-Service Training Coordinator;

30 (2) proof that the applicant has, within the three-year period preceding application for renewal, attended
31 and completed all instructor updates that have been issued by the Commission. Acceptable
32 documentary evidence shall include official Commission records submitted by School Directors or
33 In-Service Training Coordinators, or copies of certificates of completion issued by the institution
34 which provided the instructor updates; and

35 (A) a favorable written recommendation from a School Director or In-Service Training
36 Coordinator completed on a Commission **[Renewal of] Application for** Instructor and
37 Professional Lecturer Certification Form (Form F-12 A) stating the instructor taught at

1 least 12 hours in each of the topics for which Specialized Instructor Certification was
 2 granted. The teaching shall have been provided in a Commission-accredited basic training,
 3 Specialized Instructor Training course, pursuant to Rule 12 NCAC 09C .0401,
 4 Commission-recognized in-service training course, or training course delivered pursuant
 5 to 12 NCAC 09F .0101, 12 NCAC 09H, 12 NCAC 10B .0601, .1302, or .2005;

6 (B) a favorable written evaluation by a School Director, Qualified Assistant, In-Service
 7 Training Coordinator, or another Specialized Instructor certified in the same specialized
 8 subject, based on an on-site classroom evaluation of a presentation by the instructor in a
 9 Commission-accredited basic training, Specialized Instructor Training, Commission-
 10 recognized in-service training course, or in-service training course delivered pursuant to
 11 12 NCAC 10B .0601, .1302, or .2005 during the three-year period of Specialized Instructor
 12 Certification. Such evaluation shall be certified on a Criminal Justice Instructor Evaluation
 13 Form F-16, located on the agency's website: <http://www.ncdoj.gov/getdoc/c2eba6aa-12bc-4303-bf4b-5fa0431ef5a1/F-16-6-11.aspx>;

14 (C) proof that the applicant has met the requirement set forth in Rule .0303(d) of this Section;

15 (D) proof that the individual applying for renewal as a Specialized Firearms Instructor has
 16 achieved a minimum score of 92 on the day and night Basic Law Enforcement Training
 17 firearms qualification courses, administered by a certified Specialized Firearms Instructor,
 18 within the three-year period preceding the application for renewal;

19 (E) proof that the individual applying for renewal as a Specialized Physical Fitness Instructor
 20 has passed the Basic Law Enforcement Training Police Officer Physical Abilities Test,
 21 administered by a certified Specialized Physical Fitness Instructor, within the three-year
 22 period preceding the application for renewal.

23 (F) proof that the individual applying for renewal as a Specialized Driver Instructor has
 24 achieved the following minimum scores in accordance with the procedural and evaluative
 25 requirements listed in the "Course Description Packet (CDP) for Driver Instructor
 26 Certification Renewal" as published by the North Carolina Justice Academy within the
 27 three-year period preceding the application for renewal.:

28 (1) minimum score of 85 on two out of three attempts for the "Off-Set Lane Maneuver"
 29 and "Serpentine" courses during the daytime;

30 (2) a minimum score of 85 on two out of three attempts for the "Precision" course during
 31 both day and night evaluation;

32 (3) a score of "Pass" on two out of three attempts for each command for the "Evasive
 33 Action/Maneuver" course during the daytime;

34 (4) a score of Pass on two out of three attempts in each direction for the "Fixed Radius
 35 Curve" course during the daytime, and.;

36 (5) evaluations will be administered by a certified Specialized Driving Instructor.
 37

1 (G) proof that the individual applying for renewal as a Specialized SCAT Instructor has
 2 satisfactorily completed the technique evaluations skills of the Basic Law Enforcement
 3 Training SCAT courses, administered by a certified Specialized SCAT Instructor, within
 4 the three-year period preceding the application for renewal.

5 (e) Certification as a Specialized Instructor in the First Responder, Physical Fitness, Explosive and Hazardous
 6 Materials, and Juvenile Justice Medical Emergencies topic areas as outlined in Rule .0304(d)(1), (g)(2), (i)(1), and
 7 (j)(1) of this Section shall remain in effect for 36 months from the date of issuance. During the 36 month term all
 8 non-Commission certificates required in Rule .0304(d)(1), (g)(2), (i)(1), and (j)(1) for Specialized Instructor
 9 certification in the First Responder, Physical Fitness, Explosive and Hazardous Materials, and Juvenile Justice
 10 Medical Emergencies topical areas shall be maintained.

11 (f) Those individuals who have previously held Specialized Instructor Certification and have not exceeded a three
 12 year time period from when his or her Specialized Instructor Certification expired are eligible to reapply for re-
 13 issuance of the previously held Specialized Instructor Certification. An application for re-issuance shall contain
 14 documentation that the applicant:

- 15 (1) holds a current General Instructor certification;
- 16 (2) has completed all pre-qualification requirements for that specialty;
- 17 (3) has passed the state examination for that specialty with a minimum score of 75;
- 18 (4) has completed eight hours of evaluated instruction in the specialty where re-issuance of certification
 19 is taught, as documented on an F-16 located on the agency's website: [https://ncdoj.gov/law-](https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/)
 20 [enforcement training/criminal-justice/forms-and-publications/](https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/). The eight hours of instruction shall
 21 be taught within 60 days of the Specialized Instructor Certification being reissued and evaluated by
 22 a Specialized Instructor certified in that specialty. Failure to complete the required eight hours of
 23 evaluated instruction will result in the reissued Specialized Instructor Certification being revoked;
 24 and
- 25 (5) has maintained non-Commission certificates required in Rule .0304(d)(1), (g)(2), (i)(1), and (j)(1)
 26 for Specialized Instructor certification in the First Responder, Physical Fitness, Explosive and
 27 Hazardous Materials, and Juvenile Justice Medical Emergencies topical areas.

28 (g) Applicants for re-issuance of the Specialized Instructor Certification shall have one opportunity to pass the
 29 prequalification skills assessment and the state examination for that specialty. Should an applicant not achieve a
 30 passing score on either the prequalification skills assessment or the state examination for that specialty, the applicant
 31 shall complete the specific Specialized Instructor Course in its entirety.

32 (h) Applicants whose Specialized Instructor Certification is suspended or revoked shall not qualify for re-issuance.
 33 The applicant shall complete the specific Specialized Instructor Course in its entirety.

34 (i) The use of guest participants in a delivery of the "Basic Law Enforcement Training Course" shall be permissible.
 35 However, such guest participants are subject to the on-site supervision of a Commission-certified instructor and shall
 36 be authorized by the School Director. A guest participant shall be used only to complement the primary certified
 37 instructor of the block of instruction and shall not replace the primary instructor.

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2 *History Note: Authority G.S. 17C-6;*
3 *Eff. January 1, 1981;*
4 *Amended Eff. January 1, 2017; February 1, 2016; August 1, 2015; May 1, 2014; June 1, 2012;*
5 *November 1, 2007; January 1, 2006; December 1, 2004; August 1, 2004; August 1, 2000; July 1,*
6 *1991; July 1, 1989; December 1, 1987; February 1, 1987;*
7 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
8 *2019;*
9 *Amended Eff. May 1, 2023; January 1, 2022; January 1, 2020; August 1, 2019.*
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1 **12 NCAC 09C .0311 is adopted as published in 37:11 NCR 784-791 as follows:**

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3 **12 NCAC 09C .0311 RECERTIFICATION FOLLOWING SEPARATION**

4 (a) Previously certified juvenile court counselors, Chief Court Counselors, and juvenile justice officers with a
5 minimum of one year of service who have been separated from the North Carolina Department of Public Safety for
6 less than three years may have their certification reinstated following a reverification of employment standards as
7 outlined in 12 NCAC 09B .0116 and .0117, but are exempt from the job appropriate basic training course as described
8 in 12 NCAC 09B .0200

9 (b) Previously certified juvenile court counselors, Chief Court Counselors, and juvenile justice officers with less than
10 one year of service who have been separated from the North Carolina Department of Public Safety for less than two
11 years may have their certification reinstated following a reverification of employment standards as outlined in 12
12 NCAC 09B .0116 and .0117, and shall complete the job appropriate basic training course as described in 12 NCAC
13 09B .0200

14 (c) Previously certified juvenile court counselors, Chief Court Counselors, and juvenile justice officers who have
15 been separated from the North Carolina Department of Public Safety for more than three years, upon their return shall
16 complete the verification of employment standards as outlined in 12 NCAC 09B .0116 and .0117 and shall complete
17 the job appropriate basic training course described in 12 NCAC 09B .0200.

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19 History Note: Authority G.S. 17C-2; 17C-6; 17C-10;
20 Eff. May 1, 2023

1 **12 NCAC 09E .0107 is amended as published in 37:06 NCR 443-444**

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3 **12 NCAC 09E .0107 FAILURE TO QUALIFY: ANNUAL IN-SERVICE FIREARMS TRAINING**

4 (a) Where an officer is employed with an agency that establishes a higher standard for annual in-service firearms
5 training than those specified in this Subchapter and the officer has failed to meet the requirements of the employing
6 agency as of December 31 of each calendar year, such officer shall meet the requirements of this Rule and the higher
7 standard of the employing agency for continued employment. Prior to transfer to another agency, the officer shall
8 meet the requirements of this Rule and the requirements of the subsequent agency, if the subsequent agency requires
9 a higher standard for annual in-service firearms training than those required in 12 NCAC 09E .0105(1) and .0106.

10 (b) Upon notification to the Division via Form F-9B 'Report of Non-Compliance of Mandatory In-Service Training'
11 that an officer has failed to meet the requirements for in-service firearms training and qualification as specified in 12
12 NCAC 09E .0106(a) of this Subchapter, the law enforcement officer's certification shall be suspended. Form F-9B is
13 located on the Commission's website: [https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-](https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-112-wpfd-in-service-p2)
14 publications/#91-112-wpfd-in-service-p2.

15 (c) The Division shall rescind the suspension indicated in Paragraph (b) of this rule upon receipt from an agency
16 representative of Form F-9C 'Return to Duty Request', indicating the suspended officer has completed the in-service
17 firearms training and qualification pursuant to 12 NCAC 09E .0106(a) and (b). Form F-9C is located on the
18 Commission's website: [https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-](https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-112-wpfd-in-service-p2)
19 [112-wpfd-in-service-p2.](https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-112-wpfd-in-service-p2)

20 (d) The suspended officer shall be granted limited enrollment in a presentation of the "Basic Law Enforcement
21 Training" course to complete the ~~firearms training topic~~ training pursuant to 12 NCAC 09B .0205(b)(5)(B). Such
22 enrollment and successful completion must occur within the calendar year of the suspension of law enforcement
23 officer certification.

24 ~~(d) Such enrollment and successful completion must occur within the 12 month period following suspension of law~~
25 ~~enforcement officer certification.~~

26 (e) Failure to enroll and successfully complete the ~~firearms training topic in a "Basic Law Enforcement Training"~~
27 ~~course pursuant to 12 NCAC 09B .0205(b)(5)(B) within the prescribed 12 month period~~ calendar year of the
28 suspension of certification shall subject the officer to training evaluation as specified in 12 NCAC 09B .0403.

29 (f) ~~No officer suspended under Paragraph (b) of this Rule may work as a certified law enforcement officer until:~~

30 (1) ~~the department head or designated representative forwards to the Commission documentary~~
31 ~~evidence verifying that the officer has successfully completed the firearms training topic during a~~
32 ~~limited enrollment in a Basic Law Enforcement Training Course within the 12 month period~~
33 ~~following suspension of law enforcement officer certification, and has successfully qualified with a~~
34 ~~duty weapon as required in 12 NCAC 09E .0106(a) and (b).~~

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

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2 *History Note: Authority G.S. 17C-6; 17C-10;*
3 *Eff. July 1, 1989;*
4 *Amended Eff: January 1, 2005; August 1, 2000; March 1, 1992; March 1, 1990;*
5 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
6 *2019.*
7 *Amended Ef. May 1, 2023*
8

1 **12 NCAC 09G .0102** is amended with changes as published in 37:11 NCR 784-791 as follows

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

4 The following definitions apply throughout this Subchapter only:

- 5 (1) "Commission of an offense" means a finding by the North Carolina Criminal Justice Education and
6 Training Standards Commission or an administrative body that a person performed the acts
7 necessary to satisfy the elements of a specified offense.
- 8 (2) "Convicted" or "Conviction" means, the entry of:
9 (a) a plea of guilty;
10 (b) a verdict or finding of guilt by a jury, judge, magistrate, or other duly constituted,
11 established adjudicating body, tribunal, or official, either civilian or military; or
12 (c) a plea of no contest, nolo contendere, or the equivalent.
- 13 (3) "Correctional Officer" means an employee of the North Carolina Department of Public Safety,
14 Division of Adult Correction and Juvenile Justice, responsible for the custody of inmates or
15 offenders.
- 16 (4) "Corrections Officer" means either or both of the two classes of officers employed by the North
17 Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice:
18 correctional officer or probation/parole officer.
- 19 (5) "Criminal Justice System" means the whole of the State and local criminal justice agencies including
20 the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice.
- 21 (6) "Director" means the Director of the Criminal Justice Standards Division of the North Carolina
22 Department of Justice.
- 23 (7) "Educational Points" means points earned toward the State Correction Officers' Professional
24 Certificate Program for studies completed, with passing scores achieved, for semester hour or
25 quarter hour credit awarded from colleges or universities accredited by the Department of Education
26 of the state in which the institution is located, from an accredited body recognized by either the U.S.
27 Department of Education or the Council for Higher Education Accreditation, or from the state
28 university of the state in which the institution is located ~~at a regionally accredited institution of~~
29 ~~higher education~~. Each semester hour of college credit equals one educational point and each quarter
30 hour of college credit equals two-thirds of an educational point.
- 31 (8) "High School" means a high school that meets the compulsory attendance requirements in the
32 jurisdiction in which the school is located.
- 33 (9) "In-Service Training Coordinator" means a person designated by a Criminal Justice Agency head to
34 administer the agency's In-Service Training program.
- 35 (10) "Misdemeanor" ~~for corrections officers~~ means those criminal offenses not classified under the laws,
36 statutes, or ordinances as felonies. Misdemeanor offenses ~~for corrections officers~~ are classified by
37 the Commission as ~~the following as set forth in G.S. or other state or federal law:~~ follows:

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

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

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

- 12 ~~(a) 14 2.5 Punishment for attempt (offenses that are Class A 1 misdemeanor)~~
 13 ~~(b) 14 32.1(f) Simple Assault on handicapped persons~~
 14 ~~(c) 14 33(b)(9) Assault, battery against sports official~~
 15 ~~(d) 14 33(e) Assault, battery with circumstances~~
 16 ~~(e) 14 34 Assault by pointing a gun~~
 17 ~~(f) 14 72 Larceny of property; receiving stolen goods etc.; not more than one~~
 18 ~~thousand dollars (\$1000.00)(14 72(a))~~
 19 ~~(g) 14 72.1 Concealment of merchandise (14 72.1(e); third or subsequent offense)~~
 20 ~~(h) 14 76 Larceny, mutilation, or destruction of public records/papers~~
 21 ~~(i) CH 14 Art. 19A False/fraudulent use of credit device (14 113.6)~~
 22 ~~(j) CH 14 Art. 19B Financial transaction card crime~~
 23 ~~(k) 14 114(a) Fraudulent disposal of personal property on which there is a security~~
 24 ~~interest~~
 25 ~~(l) 14 118 Blackmailing~~
 26 ~~(m) 14 118.2 Obtaining academic credit by fraudulent means (14 118.2(b))~~
 27 ~~(n) 14 122.1 Falsifying documents issued by a school (14 122.1(e))~~
 28 ~~(o) 14 127 Willful and wanton injury to real property~~
 29 ~~(p) 14 160 Willful and wanton injury to personal property greater than two~~
 30 ~~hundred dollars (\$200.00)(14 160(b))~~
 31 ~~(q) 14 190.5 Preparation of obscene photographs~~
 32 ~~(r) 14 190.9 Indecent Exposure~~
 33 ~~(s) 14 190.14 Displaying material harmful to minors (14 190.14(b))~~
 34 ~~(t) 14 190.15 Disseminating harmful material to minors (14 190.15(d))~~
 35 ~~(u) 14 202.2 Indecent liberties between children~~
 36 ~~(v) 14 204 Prostitution~~
 37 ~~(w) 14 223 Resisting officers~~

1 (x) — 14 225(a) — False, etc., reports to law enforcement agencies or officers

2 (y) — 14 230 — Willfully failing to discharge duties

3 (z) — 14 231 — Failing to make reports and discharge other duties

4 (aa) — 14 232 — Swearing falsely to official records

5 (bb) — 14 239 — Allowing prisoners to escape; punishment

6 (cc) — 14 255 — Escape of working prisoners from custody

7 (dd) — 14 256 — Prison breach and escape

8 (ee) — 14 258.1(b) — Furnishing certain contraband to inmates

9 (ff) — 14 259 — Harboring or aiding certain persons; misdemeanants

10 (gg) — CH 14 Art. 34 — Persuading inmates to escape; harboring fugitives (14 268)

11 (hh) — 14 269.2 — Weapons on campus or other educational property (14 269.2(d), (e) and

12 ————— (f))

13 (ii) — 14 269.3(a) — Weapons where alcoholic beverages are sold and consumed

14 (jj) — 14 269.4 — Weapons on state property and in courthouses

15 (kk) — 14 269.6 — Possession and sale of spring loaded projectile knives prohibited (14-

16 ————— 269.6(b))

17 (ll) — 14 277 — Impersonation of a law enforcement or other public officer verbally, by

18 displaying a badge or insignia, or by operating a red light (14 277 (d1)

19 and (e))

20 (mm) — 14 277.2(a) — Weapons at parades, etc., prohibited

21 (nn) — 14 277.3A — Stalking

22 (oo) — 14 288.2(b) — Riot

23 (pp) — 14 288.2(d) — Inciting to riot

24 (qq) — 14 288.6(a) — Looting; trespassing during emergency

25 (rr) — 14 315(a) — Selling or giving weapons to minors

26 (ss) — 14 315.1 — Storage of firearms to protect minors

27 (tt) — 14 316.1 — Contributing to delinquency

28 (uu) — 14 318.2 — Child abuse

29 (vv) — 14 360(a) — Cruelty to animals

30 (ww) — 14 361 — Instigating or promoting cruelty to animals

31 (xx) — 14 401.14 — Ethnic intimidation; teaching any technique to be used for

32 (yy) — 14 454(a) or (b) — Accessing computers less than \$1000 in damages

33 (zz) — 14 458 — Computer trespass (Damage less than two thousand five

34 ————— hundred dollars)(\$2500.00)

35 (aaa) — 15A 287 — Interception and disclosure of wire etc. communications

36 (bbb) — 15B 7(b) — Filing false or fraudulent application for compensation award

37 (ccc) — 18B 902(e) — False statements in application for ABC permit (18B 102(b))

~~(ddd) 20 37.8(a) & (c) Fraudulent use of a fictitious name for a special identification card~~
~~(eee) 20 102.1 False report of theft or conversion of a motor vehicle~~
~~(fff) 20 111(5) Fictitious name or address in application for registration~~
~~(ggg) 20 130.1 Use of red or blue lights on vehicles prohibited (20 130.1(e))~~
~~(hhh) 20 137.2 Operation of vehicles resembling law enforcement vehicles
(20 137.2(b))~~
~~(iii) 20 138.1 Driving while impaired (punishment level 1 (20 179(g)) or 2
(20 179(h))~~
~~(jjj) 20 138.2(e) Impaired driving in commercial vehicle~~
~~(kkk) 20 141.5(a) Speeding to elude arrest~~
~~(lll) 20 166(b) Duty to stop in event of accident or collision~~
~~(mmm) 20 166(c) Duty to stop in event of accident or collision~~
~~(nnn) 20 166(c1) Duty to stop in event of accident or collision~~
~~(ooo) 50B 4.1(a) Knowingly violating valid protective order~~
~~(ppp) 58 33 105 False statement in applications for insurance~~
~~(qqq) 58 81 5 Careless or negligent setting of fires~~
~~(rrr) 14 111.4 Misuse of 911 system~~
~~(sss) 90 95(d)(2) Possession of schedule II, III, IV~~
~~(ttt) 90 95(d)(3) Possession of Schedule V~~
~~(uuu) 90 95(d)(4) Possession of Schedule VI (when punishable as Class 1 misdemeanor)~~
~~(vvv) 90 95(e)(4) Conviction of 2 or more violations of Art. 5~~
~~(www) 90 95(e)(7) Conviction of 2 or more violations of Art. 5~~
~~(xxx) 90 113.22 Possession of drug paraphernalia (90 113.22(b))~~
~~(yyy) 90 113.23 Manufacture or delivery of drug paraphernalia (90 113.23(e))~~
~~(zzz) 97 88.2(a) Misrepresentation to get worker's compensation payment less than four
hundred dollars (\$400.00)~~
~~(aaaa) 108A 39(a) Fraudulent misrepresentation of public assistance~~
~~(bbbb) 108A 53 Fraudulent misrepresentation of electronic food and nutrition benefits~~
~~(cccc) 108A 64 Medical assistance recipient fraud; less than four hundred dollars
(\$400.00)(108 64(c)(2))~~
~~(dddd) 108A 80 Recipient check register/list of all recipients of AFDC and state county
special assistance (108A 80(b))~~
~~(eeee) 108A 80 Recipient check register/ list of all recipients of AFDC and
state county
special assistance; political mailing list (108A 80(e))~~
~~(ffff) 113 290.1(a)(2) Criminally negligent hunting; no bodily disfigurement~~
~~(gggg) 113 290.1(a)(3) Criminally negligent hunting; bodily disfigurement~~

- 1 ~~(hhhh) 113-290.1(a)(4) Criminally negligent hunting; death results~~
2 ~~(iii) 113-290.1(d) Criminally negligent hunting; person convicted/suspended license~~
3 ~~(jjjj) 143-58.1(a) Use of public purchase or contract for private benefit (143-58.1(e))~~
4 ~~(kkkk) 148-45(d) Aiding escape or attempted escape from prison~~
5 ~~(llll) 162-55 Injury to prisoner by jailer~~
6 ~~(mmmm) Common Law misdemeanors:~~
7 ~~(i) Going Armed to the Terror of the People~~
8 ~~(ii) Common Law Mayhem~~
9 ~~(iii) False Imprisonment~~
10 ~~(iv) Common Law Robbery~~
11 ~~(v) Common Law Forgery~~
12 ~~(vi) Common Law Uttering of Forged paper~~
13 ~~(vii) Forceful Trespass~~
14 ~~(viii) Unlawful Assembly~~
15 ~~(ix) Common Law Obstruction of Justice~~
16 ~~(nnnn) Those offenses occurring in other jurisdictions that are comparable to the offenses~~
17 ~~specifically listed in (a) through (rrrr) of this Rule.~~
18 ~~(oooo) Any offense proscribed by 18 U.S.C. 922 (1996),~~
19 ~~([http://www.gpo.gov/fdsys/pkg/USCODE_2011_title18/pdf/USCODE_2011_title18_partI-](http://www.gpo.gov/fdsys/pkg/USCODE_2011_title18/pdf/USCODE_2011_title18_partI-chap44_sec922.pdf)~~
20 ~~chap44_sec922.pdf), that would prohibit possessing a firearm or ammunition.~~
- (11) "Pilot Courses" means those courses approved by the Education and Training Committee, consistent with 12 NCAC 09G .0404, which are used to develop new training course curricula.
- (12) "Probation/Parole Officer" means an employee of the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice, whose duties include supervising, evaluating, or otherwise instructing offenders placed on probation, parole, post release supervision, or assigned to any other community-based program operated by the Division of Adult Correction and Juvenile Justice.
- (13) "Qualified Assistant" means an additional staff person designated as such by the School Director to assist in the administration of a course when a certified institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of a certified course.
- (14) "School" means an institution, college, university, academy, or agency that offers penal or corrections training for correctional officers or probation/parole officers. "School" includes the corrections training course curricula, instructors, and facilities.
- (15) "School Director" means the person designated by the Secretary of the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice to administer the School.

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

3 (17) "State Corrections Training Points" means points earned toward the State Corrections Officers'
4 Professional Certificate Program by completion of Commission-approved corrections training
5 courses. Twenty classroom hours of Commission-approved corrections training equals one State
6 Corrections training point.

7

8 *History Note: Authority G.S. 17C-2; 17C-6; 17C-10; 153A-217;*

9 *Temporary Adoption Eff. January 1, 2001;*

10 *Eff. August 1, 2002;*

11 *Amended Eff. December 1, 2018; January 1, 2017; January 1, 2015; April 1, 2009; August 1, 2004;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
13 *2019.*

14 *Amended Eff. May 1, 2023*

15

1 **12 NCAC 09G .0204 is amended with changes as published in 36:24 NCR 1939-1942 follows:**

2
3 **12 NCAC 09G .0204 ~~EDUCATION~~ DOCUMENTATION OF EDUCATIONAL REQUIREMENTS**

4
5 (a) ~~Every person employed as a correctional officer by the North Carolina Department of Public Safety, Division of~~
6 ~~Adult Correction and Juvenile Justice shall be a high school, college, or university graduate or have received a high~~
7 ~~school equivalency credential as recognized by the issuing state.~~

8 (b) ~~Every person employed as a probation and parole officer by the North Carolina Department of Public Safety,~~
9 ~~Division of Adult Correction and Juvenile Justice shall be a graduate of a regionally accredited college or university~~
10 ~~and have attained the baccalaureate degree.~~

11 (c) ~~Each applicant for employment as a corrections officer shall furnish to the North Carolina Department of Public~~
12 ~~Safety, Division of Adult Correction and Juvenile Justice with documentary evidence that the applicant has met the~~
13 ~~educational requirements for the corrections field of expected employment.~~

14 (1) ~~Documentary evidence of educational requirements shall consist of official transcripts of courses~~
15 ~~completed or diplomas received from a school that meets the requirements of the Division of Non-~~
16 ~~Public Instruction of the North Carolina Department of Public Instruction, a comparable out of state~~
17 ~~agency, or is a regionally accredited college or university. High school diplomas earned through~~
18 ~~correspondence enrollment in an entity that charges a fee and requires the individual to complete~~
19 ~~little or no education or coursework to obtain a high school diploma shall not be recognized toward~~
20 ~~these minimum educational requirements.~~

21 (2) ~~Documentary evidence of high school equivalency shall be satisfied by a certified copy of a high~~
22 ~~school equivalency credential as recognized by the issuing state.~~

23 (a) Each applicant for certification as a correctional officer or probation/parole officer shall furnish documentary
24 evidence of high school, college or university graduation to the employing agency. Documentary evidence of high
25 school graduation consists of diplomas or transcripts from public schools or private schools which meet standards
26 adopted by either the North Carolina Department of Public Instruction, the Division of Non-Public Instruction, or a
27 comparable out of state agency; or such documentation as described in Paragraphs (b), (c), (d), (e) of this Rule.
28 Documentary evidence of college or university graduation consists of diplomas or transcripts from colleges or
29 universities accredited as such by the Department of Education of the state in which the institution is located, an
30 accredited body recognized by either the U.S. Department of Education or Council for Higher Education
31 Accreditation, or the state university of the state in which the institution is located.

32 (b) High school diplomas earned through home school programs must be accompanied by a true and accurate or
33 certified transcript and must meet the requirements of Part 3 of Article 39 of Chapter 115C of the North Carolina
34 General Statutes, or a comparable out-of-state statute.

35 (c) Diplomas earned from high school or equivalent institutions outside of the United States must be translated into
36 English and be accompanied by an authentic transcript. [Transcripts shall be evaluated] The Criminal Justice
37

38 Standards Division (Division) staff shall evaluate the transcripts to ensure they are scholastically comparable to
39 United States curriculum requirements.

40 (d) High school diplomas earned through on line or correspondence courses shall be evaluated on a case by case
41 basis] The Division's staff shall evaluate high school diplomas earned through on-line or correspondence courses
42 on a case by case basis. Such diplomas must meet state and local requirements for the jurisdiction from which the
43 diploma was issued.

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

48 (f) Documentary evidence of the attainment of satisfactory scores on any military high school equivalency
49 examination is acceptable as evidence of high school graduation if verified by a true copy of the veteran's DD214
50 Certificate of Release from Active Duty.

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54 *History Note: Authority G.S. 17C-6; 17C-10;; Temporary Adoption Eff. January 1, 2001; Eff. August 1, 2002;*
55 *Amended Eff. April 1, 2018; February 1, 2016; November 1, 2015; January 1, 2015; August 1,*
56 *2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May*
57 *25, 2019; Amended Eff Date: May 1, 2023.*

1 12 NCAC 09G .0205 is amended with changes as published in **36:24 NCR** 1938-1942 as follows:

2
3 **12 NCAC 09G .0205 ~~PHYSICAL AND MENTAL STANDARDS~~ MEDICAL EXAMINATION**

4 ~~(a) Every person employed as a correctional officer or probation/parole officer by the North Carolina Department of~~
5 ~~Public Safety, Division of Adult Correction and Juvenile Justice shall have been examined and certified within one~~
6 ~~year prior to employment with the North Carolina Department of Public Safety, Division of Adult Correction and~~
7 ~~Juvenile Justice by a physician licensed in North Carolina, physician's assistant, or nurse practitioner to meet the~~
8 ~~physical requirements to fulfill the officer's particular responsibilities as stated in the essential job functions.~~

9 ~~(b) Every person employed as a correctional officer or probation/parole officer by the North Carolina Department of~~
10 ~~Public Safety, Division of Adult Correction and Juvenile Justice shall have been administered a psychological~~
11 ~~screening examination in accordance with G.S. 17C-10(e). The psychological screening shall be valid for a period of~~
12 ~~one year prior to the criminal justice officer's initial appointment and applies to any criminal justice officer seeking~~
13 ~~initial or probationary certification.~~

14 (a) Each applicant for certification or enrollment in a basic correctional officer or probation/parole officer training
15 course shall complete, sign, and date the Commission's Medical History Statement Form (F-1) and shall be examined
16 by either a surgeon, physician, physician assistant, or nurse practitioner who is licensed to practice in North Carolina
17 or authorized to practice medicine in accordance with the rules and regulations of the United States Armed Forces, as
18 outlined in 10 U.S. Code § 1094, to help determine his or her ~~[ability]~~ fitness to carry out the physical requirements
19 of the position of correctional officer or probation/parole officer.

20 (b) Prior to being examined, the applicant shall provide the examining surgeon, physician, physician's assistant, or
21 nurse practitioner with: ~~[conducting the examination, the surgeon, physician, physician's assistant, or nurse~~
22 ~~practitioner shall:]~~

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

26 ~~[(2)] (1) [read, sign, and date] the Medical History Statement Form (F-1) which must be read, completed,~~
27 ~~and signed; and~~

28 ~~[(3)] (2) [read] the Instructions to Agency and Examiner for Completion of Medical Examination Report (F-~~
29 ~~2A) Form attached to the Medical Examination Report Form (F-2).~~

30 (c) The "Medical Screening Guidelines for the Certification of Criminal Justice Officers in North Carolina" as
31 published by the North Carolina Department of Justice may be obtained for use by the examining physician, surgeon,
32 physician's assistant, or nurse practitioner, at no cost, at <https://ncdoj.gov/law-enforcement-training/criminal-justice/>.

33 ~~[(e)] (d) The examining surgeon, physician, physician's assistant, or nurse practitioner shall record the results of the~~
34 ~~examination on the Medical Examination Report Form (F-2) and shall sign and date the form.~~

35 ~~[(d)] (e) The Medical Examination Report Form (F-2) and the Medical History Statement Form (F-1) shall be valid~~
36 ~~for one year after the date of the examination was conducted and shall be completed prior to:~~

37 (1) the applicant's beginning the basic correctional officer or basic probation/parole officer training
38 course, and,

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

40 ~~[(e) Every correctional officer and probation/parole officer shall have produced a negative result on a drug screen~~
41 ~~administered according to the following specifications:~~

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

46 ~~(2) a chain of custody shall be maintained on the specimen from collection to the eventual discarding~~
47 ~~of the specimen;~~

48 ~~(3) the drug screen shall test for the presence of at least cannabis, cocaine, phenyleclidine (PCP),~~
49 ~~opiates, and amphetamines or their metabolites;~~

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

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

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

59 ~~(f) Each agency shall report in writing to the Criminal Justice Standards Division all refusals and all positive results~~
60 ~~of required drug screenings obtained from applicants and lateral transfers. If the positive results were explained to the~~
61 ~~satisfaction of the agency's medical review officer, who shall be a licensed physician, then the positive results are not~~
62 ~~required to be reported.~~

63 ~~(g) Each agency, if it conducts a drug screen for in service officers, shall report in writing positive results or refusals~~
64 ~~to submit to an in service drug screening to the Criminal Justice Standards Division within 30 days of the positive~~
65 ~~result or refusal, unless the positive result has been explained to the satisfaction of the agency's medical review officer,~~
66 ~~who shall be a licensed physician, to the extent the drug screen conducted conforms to the specifications of this Rule.~~

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

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

74

75

76 *History Note: Authority G.S. 17C-6; 17C-10; Temporary Adoption Eff. January 1, 2001; Eff. August 1, 2002;*
77 *Amended Eff. January 1, 2015; April 1, 2009; August 1, 2004; Pursuant to G.S. 150B-21.3A, rule*
78 *is necessary without substantive public interest Eff. May 25, 2019; Temporary Amendment Eff.*
79 *February 15, 2022; Amended Eff. October 1, 2022; August 23, 2022*
80 *Amended Eff. Date: May 1, 2023.*

1 **12 NCAC 09G .0206 as published in 36:24 NCR 1938-1942 is repealed.**

2
3 **~~12 NCAC 09G .0206 — MORAL CHARACTER~~**

4 ~~Every person employed as a correctional officer as defined in 12 NCAC 09G .0102(3) or probation/parole officer as~~
5 ~~defined in 12 NCAC 09G .0102(12) by the Department of Public Safety, Division of Adult Correction and Juvenile~~
6 ~~Justice shall demonstrate good moral character as evidenced by the following:~~

- 7 (1) ~~for correctional officers, not having been convicted of a felony;~~
8 (2) ~~for probation/parole officers, not having committed or having been convicted of a felony;~~
9 (3) ~~for correctional officers, not having been convicted of a misdemeanor as defined in 12 NCAC 09G~~
10 ~~.0102(10) for three years or the completion of any corrections supervision imposed by the courts,~~
11 ~~whichever is later;~~
12 (4) ~~for probation/parole officers, not having committed or having been convicted of a misdemeanor as~~
13 ~~defined in 12 NCAC 09G .0102 for a three years period prior to the date of application for~~
14 ~~employment;~~
15 (5) ~~not having been convicted of an offense that, under 18 U.S.C. 922, which is hereby incorporated by~~
16 ~~reference with subsequent amendments and editions and can be accessed at no cost at~~
17 ~~[https://www.govinfo.gov/content/pkg/USCODE-2011-title18/pdf/USCODE-2011-title18-partI-](https://www.govinfo.gov/content/pkg/USCODE-2011-title18/pdf/USCODE-2011-title18-partI-chap44-sec922.pdf)~~
18 ~~[ch44-sec922.pdf](https://www.govinfo.gov/content/pkg/USCODE-2011-title18/pdf/USCODE-2011-title18-partI-chap44-sec922.pdf), would prohibit the possession of a firearm or ammunition;~~
19 (6) ~~having submitted to and produced a negative result on a drug test within 60 days of employment or~~
20 ~~any in service drug screening required by the Department of Public Safety, Division of Adult~~
21 ~~Correction and Juvenile Justice that meets the certification standards of the Department of Health~~
22 ~~and Human Services for Federal Workplace Drug Testing Programs. A list of certified drug testing~~
23 ~~labs that meet this requirement may be obtained, at no cost, at~~
24 ~~<https://www.samhsa.gov/workplace/resources/drug-testing/certified-lab-list>;~~
25 (7) ~~submitting to a background investigation consisting of the following:~~
26 (a) ~~verification of age;~~
27 (b) ~~verification of education; and~~
28 (c) ~~criminal history check of local, state, and national files;~~
29 (8) ~~being truthful in providing information to the Department of Public Safety, Division of Adult~~
30 ~~Correction and Juvenile Justice and to the Standards Division for the purpose of obtaining~~
31 ~~probationary or general certification;~~
32 (9) ~~not having pending or outstanding felony charges that, if convicted of such charges, would~~
33 ~~disqualify the applicant from holding such certification, pursuant to G.S. 17C-13; and~~
34 (10) ~~not engage in any conduct that brings into question the truthfulness or credibility of the officer, or~~
35 ~~involves "moral turpitude." "Moral Turpitude" is conduct that is contrary to justice, honesty, or~~
36 ~~morality, including conduct as defined In re Willis, 288 N.C. 1, 215 S.E. 2d 771 appeal dismissed~~
37 ~~423 U.S. 976 (1975); In State v. Harris, 216 N.C. 746, 6 S.E.2d 854 (1940); In re Legg, 325 N.C.~~

38 658, 386 S.E. 2d 174(1989); ~~In re Applicants for License~~, 143 N.C. 1, 55 S.E. 635 (1906); ~~In re~~
39 ~~Dillingham~~, 188 N.C. 162, 124 S.E. 130 (1924); ~~State v. Benbow~~, 309 N.C. 538, 308 S.E. 2d 647
40 (1983); and later court decisions that cite these as authority.

41

42 ~~History Note: Authority G.S. 17C-6; 17C-10;~~

43 ~~Temporary Adoption Eff. January 1, 2001;~~

44 ~~Eff. August 1, 2002;~~

45 ~~Amended Eff. October 1, 2017; April 1, 2017; January 1, 2015; June 1, 2012; April 1, 2009; August~~
46 ~~1, 2004;~~

47 ~~Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,~~
48 ~~2019;~~

49 ~~Amended Eff. August 1, 2021; Repealed Eff. May 1, 2023.~~

50

1 **12 NCAC 09G .0207** is adopted as published in 36:24 NCR 1938-1942 as follows:

2
3 **12 NCAC 09G .0207 FINGERPRINT CRIMINAL HISTORY RECORD CHECK**

4
5 (a) Each applicant for certification shall submit electronic fingerprints in the Statewide Automated Fingerprint
6 Identification System (SAFIS).

7 (b) The employing agency shall forward the applicant's fingerprints to the North Carolina State Bureau of
8 Investigation for a criminal history record check utilizing fingerprints against state and federal files.

9 (c) The employing agency will receive a report of the results of the criminal history check utilizing fingerprints against
10 state and federal files. The employing agency shall retain the results of the criminal history record check utilizing
11 fingerprints compliance with the North Carolina Department of Natural and Cultural Resources Retention and
12 Disposition Schedule established pursuant to G.S. Chapter 121 and G.S. Chapter 132. The employing agency shall
13 include the results of the fingerprint criminal history record check with the applications submitted to the Commission.

14 (d) An applicant for certification as a correctional officer or probation/parole officer may not be employed or placed
15 in a position requiring certification by the Commission prior to the date on which the employing agency and Standards
16 Division receive the report of the results of the criminal history record check utilizing fingerprints.

17
18
19 *History Note: Authority G.S. 17C-6; 17C-10;*

20 *Eff. Date: May 1, 2023.*

21 .

22

1 **12 NCAC 09G .0208 is adopted with changes as published in 37:04 NCR 314-319 as follows:**
2

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

4 Every correctional officer employed by the North Carolina Department of [Public Safety, Division of] Adult
5 Correction shall:

- 6 (1) be a citizen of the United States;
7 (2) be at least 20 years of age;
8 (3) be a high school graduate, or the equivalent as defined in 12 NCAC 09G .0204;
9 (4) have been fingerprinted by the employing agency in the manner provided in 12 NCAC 09G .0207;
10 (5) have had a medical examination as required by 12 NCAC 09G .0205;
11 (6) have produced a negative result on a drug screen as described in 12 NCAC 09G .[0205] 0211;
12 (7) have been administered a psychological screening examination in accordance with G.S. 17C-
13 10(c). The psychological screening examination shall be valid for a period of one year from the
14 date on which it was administered;
15 (8) have a background investigation conducted by the [Division] Department of Adult Correction,
16 including a personal interview[.] as described in 12 NCAC 09G .0210;
17 (9) not have committed or been convicted of a crime or crimes as specified in 12 NCAC 09G . 0302;
18 (10) for personnel who are authorized to carry a firearm in the execution of their duties, satisfactorily
19 Complete the [Division] Department of Adult Correction's departmental firearms training program
20 as prescribed in 12 NCAC 09G .0411. Such firearms training compliance must have occurred
21 within one year of the date of employment and by using the department approved service
22 handgun(s); and
23 (11) be of good moral character as defined in: In re Willis 288 N.C. 1.215 S.E. 2d 771 appeal dismissed
24 423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E. 2d 854 (1940); In re Legg, 325 N.C.
25 658, 386 S.E. 2d 174 (1989); in re Applicants for License, 143 N.C.1, 55 S.E. 635 (1906); In
26 re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E. 2d 47
27 (1983); and later court decisions;
28 (12) Make the following notifications:
29 (a) within 30 days of the qualifying event, notify the Criminal Justice Standards Division
30 [Divison] and the appointing agency head in writing of all criminal offenses for which
31 the officer is charged or arrested. This shall include traffic offenses identified in the
32 Class B Misdemeanor Manual (correctional officers section) and offenses of driving
33 under the influence (DUI) or driving while impaired (DWI);
34 (b) within 30 days of the qualifying event, notify the [Standards] Division and the
35 appointing agency head in writing of all criminal offenses for which the officer pleads no
36 contest, pleads guilty, or of which the officer is found guilty. This shall include traffic
37 offenses identified in the Class B Misdemeanor Manual (correctional officers section)
38 and offense of driving under the influence (DUI) or driving while impaired (DWI);

- 39 (c) within 30 days of service, officers shall notify the Standards Division of all Domestic
40 Violence Protective Orders (G.S. 50B) and Civil No Contact Orders (G.S. 50C) that are
41 issued by a judicial official against the officer;
- 42 (d) within 30 days of the date the case was disposed of in court, the agency head, provided he
43 or she has knowledge of the officer's arrests or criminal charges and final dispositions,
44 shall also notify the Standards Division of arrests or criminal charges and final
45 disposition;
- 46 (e) within 30 days of the issuance of all Domestic Violence Protective Orders (G.S. 50B) and
47 Civil No Contact Orders (G.S. 50C), the agency head, provided he or she has knowledge
48 of the order, shall also notify the Standard Division of these orders;
- 49 (f) The required notifications in this Rule shall be in writing and shall specify the nature of
50 the offense or order, the court in which the case as handled, the date of the arrest,
51 criminal charge, or service of the order, and the final disposition. The notification shall
52 include a certified copy of the order or court documentation and final disposition from the
53 Clerk of Court in the county of adjudication. The requirements of this Item shall be
54 applicable at all times during which the officer is employed and certified by the
55 Commission and shall also apply to all applicants for certification. Receipt by the
56 Standards Division of a single notification, for the officer or the agency head, shall be
57 sufficient notice for compliance with this Item.
- 58 (13) The requirements of this Rule shall apply to all applicants for certification and shall also apply at
59 all times during which the correctional officer is certified by the Commission.

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

62 *Eff. May 1, 2023*

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1 **12 NCAC 09G .0209 is adopted with changes as published in 37:04 NCR 314-319 as follows:**

2
3 **12 NCAC 09G. 0209 MINIMUM STANDARDS FOR PROBATION/PAROLE OFFICERS**

4 Every probation/parole officer employed by the North Carolina Department of ~~[Public Safety, Division of]~~ Adult
5 Correction shall:

- 6 (1) be a citizen of the United States
- 7 (2) be at least 20 years of age
- 8 (3) have attained a bachelor's degree ~~[from a regionally accredited institution of higher learning]~~ as
9 described in 12 NCAC 09G .0204;
- 10 (4) have been fingerprinted by the employing agency in the manner provided in 12 NCAC 09G .0207;
- 11 (5) have had a medical examination as required by 12 NCAC 09G .0205;
- 12 (6) have produced a negative result on a drug screen as described in 12 NCAC 09G .~~0205~~ 0211;
- 13 (7) have been administered a psychological screening examination in accordance with G.S. 17C-
14 10(c). The psychological screening examination shall be valid for a period of one year from the
15 date on which it was administered;
- 16 (8) have a background investigation conducted by the ~~[Division]~~ Department of Adult Correction,
17 including a personal interview, as described in 12 NCAC 09G .0210;
- 18 (9) not have committed or been convicted of a crime or crimes as specified in 12 NCAC 09G . 0302;
- 19 (10) for personnel who are authorized to carry a firearm in the execution of their duties, satisfactorily
20 Complete the ~~[Division]~~ Department of Adult Correction's departmental firearms training program
21 as prescribed in 12 NCAC 09G .0412. Such firearms training compliance must have occurred
22 within one year of the date of employment and by using the department approved service
23 handgun(s); and,
- 24 (11) be of good moral character as defined in: In re Willis 288 N.C. 1.215 S.E. 2d 771 appeal dismissed
25 423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E. 2d 854 (1940); In re Legg, 325 N.C.
26 658, 386 S.E. 2d 174 (1989); in re Applicants for License, 143 N.C.1, 55 S.E. 635 (1906); In re
27 Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E. 2d 47
28 (1983); and later court decisions,
- 29 (12) Make the following notifications:
- 30 (a) within 30 days of the qualifying event, notify the Standards Division and the appointing
31 agency head in writing of all criminal offenses for which the officer is charged or
32 arrested. This shall include traffic offenses identified in the Class B Misdemeanor
33 Manual and offenses of driving under the influence (DUI) or driving while impaired
34 (DWI);
- 35 (b) within 30 days of the qualifying event, notify the Standards Division and the appointing
36 agency head in writing of all criminal offenses for which the officer pleads no contest,
37 pleads guilty, or of which the officer is found guilty. This shall include traffic offenses

- 38 identified in the Class B Misdemeanor Manual (DAC offenses section) and offense of
39 driving under the influence (DUI) or driving while impaired (DWI);
- 40 (c) within 30 days of service, officers shall notify the Standards Division of all Domestic
41 Violence Protective Orders (G.S. 50B) and Civil No Contact Orders (G.S. 50C) that are
42 issued by a judicial official against the officer;
- 43 (d) within 30 days of the date the case was disposed of in court, the agency head, provided he
44 or she has knowledge of the officer's arrests or criminal charges and final dispositions,
45 shall also notify the Standards Division of arrests or criminal charges and final
46 disposition;
- 47 (e) within 30 days of the issuance of all Domestic Violence Protective Orders (G.S. 50B) and
48 Civil No Contact Orders (G.S. 50C), the agency head, provided he or she has knowledge
49 of the order, shall also notify the Standard Division of these orders;
- 50 (f) The required notifications in this Rule shall be in writing and shall specify the nature of
51 the offense or order, the court in which the case as handled, the date of the arrest,
52 criminal charge, or service of the order, and the final disposition. The notification shall
53 include a certified copy of the order or court documentation and final disposition from the
54 Clerk of Court in the county of adjudication. The requirements of this Item shall be
55 applicable at all times during which the officer is employed and certified by the
56 Commission and shall also apply to all applicants for certification. Receipt by the
57 Standards Division of a single notification, for the officer or the agency head, shall be
58 sufficient notice for compliance with this Item.
- 59 (13) The requirements of this Rule shall apply to all applicants for certification and shall also apply at
60 all times during which the [correctional] probation/parole officer is certified by the Commission.

61

62 *History Note: Authority G.S.; 17C-6; 17C-10*63 *Eff. January 1, 2023*64 *Eff. May 1, 2023*

65

66

1 “12 NCAC 09G .0210 is adopted with changes as published in 37:11 NCR 784-791 as follows:

2

3 **12 NCAC 09G .0210 BACKGROUND INVESTIGATION**

4 (a) Prior to employment, the North Carolina Department of Adult Correction shall complete a background
5 investigation on all applicants for certification. The investigation shall examine the applicant's character traits and
6 habits relevant to performance as a correctional officer or probation/parole officer and shall determine whether the
7 applicant is of good moral character.

8 (b) The background investigation will consist of the following:

9 (1) verification of age;

10 (2) verification of education; **and**

11 (3) criminal history check of local, state, and national files; **and**

12 (4) personal interview; **and**.

13 (c) The employing agency shall include a signed and notarized Release Authorization Form that authorizes the
14 **Criminal Justice Standards** Division staff to obtain documents and records pertaining to the applicant for certification
15 that may be required in order to determine whether certification may be granted.

16

17

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

19 *Eff. May 1, 2023*

1 12 NCAC 09G .0211 is adopted as published in 37:11 NCR 784-791 as follows:

2
3 **12 NCAC 09G .0211 AGENCY REPORTING OF DRUG SCREENING RESULTS**

4 (a) Every correctional or probation/parole officer shall have produced a negative result on a drug screen administered
5 according to the following specifications:

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

10 (2) a chain of custody shall be maintained on the specimen from collection to the eventual discarding
11 of the specimen. If the specimen is handled only by a medical professional or a third party provider
12 and the laboratory utilizes federally mandated chain of custody procedures, then the agency does
13 not need an inter-agency chain of custody procedure. If agency staff will be handling the urine
14 specimen at any point, then the agency needs a firmly established chain of custody
15 procedure;

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

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

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

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

27 (b) The agency shall report in writing to the Criminal Justice Standards Division all refusals and all positive results
28 of required drug screening obtained from applicants. If the positive result was explained by the applicant to the
29 satisfaction of the agency's Medical Review Officer, who shall be a licensed physician, the positive results are not
30 required to be reported.

31 (c) The agency, if it conducts a drug screen for in-service officers, shall report in writing positive results or refusals to
32 submit to an in-service drug screening to the Criminal Justice Standards Division within 30 days of the positive result
33 or refusal, unless the officer has explained the positive result to the satisfaction of the agency's Medical Review
34 Officer, who shall be a licensed physician, to the extent the drug screen conducted conforms to the specifications of
35 this Rule.

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

4 (e) For reporting purposes, a result is considered "negative" only in those cases where the drug screen reveals the
5 presence of an illegal drug at a level less than the threshold value as established by the Department of Health and
6 Human Services for Federal Workplace Drug Testing Programs and incorporated by reference in this Rule.

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

10

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

12 *Eff. May 1, 2023*

1 **12 NCAC 09G .0302 amended with changes as published in 37:04 NCR 317 as follows:**

2
3 **12 NCAC 09G .0302 ~~NOTIFICATION OF CRIMINAL CHARGES/CONVICTIONS~~ CRIMINAL**
4 **~~HISTORY RECORD~~**

5 ~~(a) Every person employed and certified as a correctional officer or probation/parole officer shall make the following~~
6 ~~notifications:~~

7 ~~(1) within 30 days of the qualifying event notify the Standards Division and the appointing department~~
8 ~~head in writing of all criminal offenses for which the officer is charged or arrested;~~

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

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

17 ~~(b) The Department Head shall make the following notifications:~~

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

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

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

31 ~~(a) Consistent with and subject to the requirements of 12 NCAC 09G .0504, every correctional officer applicant,~~
32 ~~in North Carolina shall not have been convicted by a local, state, federal or military court of:~~

33 ~~(1) a felony;~~

34 ~~(2) a crime or unlawful act constituting a Class B misdemeanor as defined in 12 NCAC 09G~~
35 ~~.0102(10) or having completed any corrections supervision imposed by the courts for such crimes~~
36 ~~within three years of issuance of certification, whichever is later; or~~

37 ~~(3) for personnel who are authorized to carry a firearm in the execution of their duties, an offense that,~~

38 pursuant to 18 USC 922(g)(8) would prohibit the possession of a firearm or ammunition;
39 (b) Consistent with and subject to the requirements of 12 NCAC 09G .0504, every correctional officer
40 probation/parole officer applicant, and probation/parole officer employed or certified in North Carolina shall not have
41 committed or been convicted by a local, state, federal or military court of:

- 42 (1) a felony;
43 (2) a crime or unlawful act constituting a misdemeanor as defined in 12 NCAC 09G .0102(10) or
44 having completed any corrections supervision imposed by the courts for such crimes within three
45 years of issuance of certification, whichever is later; or
46 (3) an offense that, pursuant to 18 USC 922(g) would prohibit the possession of a firearm or
47 ammunition;

48

49 *History Note:* *Authority G.S. 17C-6;*
50 *Temporary Adoption Eff. January 1, 2001;*
51 *Eff. August 1, 2002;*
52 *Amended Eff. January 1, 2015; August 1, 2004;*
53 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
54 *2019;*
55 *Amended Eff. October 1, 2020, [~~Amended Eff. January 1, 2023~~] Amended Eff. May 1, 2023.*
56
57

1 **12 NCAC 09G .0304 is amended with changes as published in 36:24 NCR 1938-1942 as follows:**

2
3 **12 NCAC 09G .0304 GENERAL CERTIFICATION**

4 (a) The Commission shall grant an officer General Certification when evidence is received by the Standards Division
5 that an officer has completed the training requirements of 12 NCAC 09G .0410, .0411, .0412, ~~or .0413~~ within the
6 officer's probationary period and the officer has met all requirements for General Certification as specified in Rules
7 .0202, .0203, .0204, .0205, ~~.0206, .0302,~~ and .0303 of this Subchapter.

8 (b) General Certification is continuous from the date of issuance, so long as the certified officer remains employed as
9 a correctional officer or probation/parole officer in good standing with the North Carolina Department of ~~[Public
10 Safety, Division of]~~ Adult Correction ~~[and Juvenile Justice]~~, and the certification has not been suspended or revoked
11 pursuant to Rule .0503 of this Subchapter.

12 (c) Certified officers who, through promotional opportunities, move into non-certified positions within the
13 Department, may have their certification reinstated without re-completion of the basic training requirements of 12
14 NCAC 09G .0410, .0411, .0412, or .0413, and are exempted from reverification of employment standards of 12 NCAC
15 09G .0202, through .0206, .0205, .0208 (except 12 NCAC .0208(4), and .0209 (except 12 NCAC .0209(4)) when
16 returning to a position requiring certification if they have maintained employment within the Department.

17 (d) Documentation of General Certification shall be maintained with the officer's personnel records with the North
18 Carolina Department of ~~[Public Safety, Division of]~~ Adult Correction ~~[and Juvenile Justice]~~ and the Commission.

19 (e) Upon transfer of a certified officer from one type of corrections officer position to another, the North Carolina
20 Department of ~~[Public Safety, Division of]~~ Adult Correction ~~[and Juvenile Justice]~~ shall submit a Notice of Transfer
21 to the Standards Division.

22 (1) Upon receipt of the Notice of Transfer, the Standards Division shall cancel the officer's current
23 General Certification and upon receipt of documentary evidence that the officer has met the requisite
24 standards for the specified type of corrections officer certification, the Commission shall issue
25 Probationary Certification reflecting the officer's new corrections position.

26 (2) The Commission shall grant an officer General Certification as the new type of corrections officer
27 when evidence is received by the Standards Division that an officer has completed the training
28 requirements of 12 NCAC 09G .0410, .0411, .0412, or .0413 within the officer's probationary period
29 and the officer has met all other requirements for General Certification.

30
31 *History Note:* Authority G.S. 17C-2; 17C-6; 17C-10; Temporary Adoption Eff. January 1, 2001; Eff. August 1,
32 2002; Amended Eff. January 1, 2015; August 1, 2004; Pursuant to G.S. 150B-21.3A, rule is
33 necessary without substantive public interest Eff. May 25, 2019; Amended Eff. May 1, 2023.

1 **12 NCAC 09G .0305 is amended with changes as published in 36:24 NCR 1938-1942 as follows:**

2
3 **12 NCAC 09G .0305 RECERTIFICATION FOLLOWING SEPARATION**

4 (a) Previously certified corrections officers, with a minimum of one year of service who have been separated from
5 the North Carolina Department of **Adult** Correction for less than [~~two~~] **three** years, may have their certification
6 reinstated following a reverification of employment standards in 12 NCAC 09G .0202, .0203, and ~~.0206 (excluding~~
7 ~~12 NCAC 09G .0206(4)(b))~~ .0208 (excluding 12 NCAC 09G .0208(4) and .0209 (excluding 12 NCAC 09G .0209(4)),
8 but are exempt from the job appropriate basic training course described in 12 NCAC 09G .0400.

9 (b) Previously certified corrections officers with less than one year of service who have been separated from the North
10 Carolina Department of **Adult** Correction for less than two years, may have their certification reinstated following a
11 reverification of employment standards 12 NCAC 09G .0202, .0203, and ~~.0206 (excluding 12 NCAC 09G .0206(d)(2))~~
12 ~~.0208 (excluding 12 NCAC 09G .0208(5) and .0209 (excluding 12 NCAC 09G .0209(5))~~, and shall complete the job
13 appropriate basic training course described in 12 NCAC 09G .0400.

14 (c) Previously certified corrections officers who have been separated from the North Carolina Department of **Adult**
15 Correction for more than [~~two~~] **three** years, upon their return shall complete the verification of employment standards
16 and shall complete the job appropriate basic training course described in 12 NCAC 09G .0400.

17
18 *History Note: Authority G.S. 17C-2; 17C-6; 17C-10; Temporary Adoption Eff. January 1, 2001; Eff. August 1, 2002;*
19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
20 *2019; Amended Eff. May 1, 2023.*

1 **12 NCAC 09G .0504 IS IS amended with changes as published in 37:04 NCR 317-318 as follows**

2
3 **12 NCAC 09G .0504 SUSPENSION: REVOCATION: OR DENIAL OF CERTIFICATION**

4 (a) The Commission shall revoke the certification of a correctional officer or probation/parole officer when the
5 Commission finds that the officer has committed or been convicted of a felony offense.

6 (b) The Commission shall deny the certification of a correctional officer when the Commission finds the officer has
7 been convicted of a felony.

8 (c) The Commission shall deny the certification of a probation/parole officer when the Commission finds the
9 officer has committed or been convicted of a felony offense.

10 (d) The Commission may, based on the evidence for each case, suspend, revoke, or deny the certification of a
11 corrections officer, as defined in 12 NCAC 09G .0102(4) when the Commission finds that the applicant for
12 certification or the certified officer:

13 (1) has not enrolled in and completed with passing scores the required basic training course in its
14 entirety in time periods prescribed in 12 NCAC 09G .0400 applicable to a specified position or job
15 title;

16 (2) fails to meet or maintain one or more of the employment standards required by 12 NCAC 09G
17 .0200 for the category of the officer's certification or fails to meet or maintain one or more of the
18 training standards required by 12 NCAC 09G .0400 for the category of the officer's certification;

19 ~~(3)~~ for correctional officers as defined in 12 NCAC 09G .0102(3), been convicted of a Class B
20 misdemeanor as defined in 12 NCAC 09G .0102~~(4)~~ (10)(b) within a three year period prior to the
21 date of application for employment or have completed any corrections supervision imposed by the
22 courts for such crimes within three years of issuance of certification, whichever is later;

23 ~~(3)~~ (4) for correctional officers as defined in 12 NCAC 09G .0102(3), have committed or been
24 convicted of a Class B misdemeanor as defined in 12 NCAC 09G .0102(10)(b) after certification;

25 ~~(4)~~ (5) for probation/parole officers as defined in 12 NCAC 09G .0102(12), have committed or been
26 convicted of a Class B misdemeanor as defined in 12 NCAC 09G .0102(10)(b) for a three year
27 period prior to the date of application for employment or after certification have completed any
28 corrections supervision imposed by the courts for such crimes [for a] within three years of issuance
29 of certification;

30 ~~(5)~~ (6) has been discharged by the North Carolina Department [of Public Safety, Division] of Adult
31 Correction and Juvenile Justice for:

32 (A) commission or conviction of a motor vehicle offense requiring the revocation of the
33 officer's drivers license; or

34 (B) lack of good moral character as defined in 12 NCAC 09G .0206;

35 ~~(6)~~ (7) has been discharged by the North Carolina Department of Public Safety, Division of Adult
36 Correction and Juvenile Justice because the officer lacks the mental or physical capabilities to fulfill
37 the responsibilities of a corrections officer;

- 1 ~~(7)~~ (8) has knowingly made a material misrepresentation of any information required for certification or
2 accreditation;
- 3 ~~(8)~~ (9) has knowingly and willfully, by any means of false pretense, deception, fraud, misrepresentation, or
4 cheating whatsoever, obtained or attempted to obtain credit, training, or certification from the
5 Commission;
- 6 ~~(9)~~ (10) has knowingly and willfully, by any means of false pretense, deception, fraud, misrepresentation, or
7 cheating whatsoever, aided another person in obtaining or attempting to obtain credit, training, or
8 certification from the Commission;
- 9 ~~(10)~~ (11) has failed to notify the Standards Division of all criminal charges or convictions as required by 12
10 NCAC 09G ~~.0302; .0208~~ or .0209;
- 11 ~~(11)~~ (12) has been removed from office by decree of the Superior Court in accord with the provisions of G.S.
12 128-16 or has been removed from office by sentence of the court in accord with the provisions of
13 G.S. 14-230;
- 14 ~~(12)~~ (13) has refused to submit to an applicant drug screen as required by 12 NCAC 09G .0206; or has
15 refused to submit to an in-service drug screen pursuant to the guidelines set forth in the Drug
16 Screening Implementation Guide as required by the Department of Public Safety, Division of Adult
17 Correction and Juvenile Justice;
- 18 ~~(13)~~ (14) has produced a positive result on a drug screen reported to the Commission as specified in 12 NCAC
19 09G .0206, where the positive result cannot be explained to the Commission's satisfaction. For the
20 purposes of this Rule, "to the Commission's satisfaction" shall be determined on a case-by-case
21 basis, and the use of a prescribed drug shall be satisfactory; or
- 22 ~~(14)~~ (15) has been denied certification or had such certification suspended or revoked by a previous action
23 of the North Carolina Criminal Justice Education and Training Standards Commission, the North
24 Carolina Company Police Program, the North Carolina Campus Police Program, the North Carolina
25 Sheriffs' Education and Training Standards Commission, or a similar North Carolina, out of state,
26 or federal approving, certifying, or licensing agency whose function is the same or similar to the
27 agencies if the certification was denied, suspended, or revoked based on grounds that would
28 constitute a violation of this Subchapter.
- 29 (e) Following suspension, revocation, or denial of the person's certification, the person shall not remain employed or
30 appointed as a corrections officer and the person shall not exercise any authority of a corrections officer during a
31 period for which the person's certification is suspended, revoked, or denied.

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. May 1, 2023; December 1, 2018; January 1, 2015; April 1, 2009; December 1, 2004;*
37 *August 1, 2004;*

1 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
2 *2019;*
3 *Amended Eff. August 1, 2021.*
4 *Amended Eff. May 1, 2023*
5

1 12 NCAC 09G .0505 is amended with changes as published in 37:04 NCR 318-319 as follows:

2
3 **12 NCAC 09G .0505 PERIOD OF SUSPENSION: REVOCATION: OR DENIAL**

4 (a) When the Commission revokes or denies the certification of a corrections officer pursuant to 12 NCAC 09G .0504
5 of this Section, the period of the sanction shall be 10 years where the cause of sanction is:

- 6 (1) commission or conviction of a felony offense;
7 (2) the second suspension of an officer's certification for any of the causes requiring a three- year
8 period of suspension; or
9 (3) revocation or denial of certification by the North Carolina Sheriffs' Education and Training Standards
10 Commission based on grounds that would constitute a violation of this Subchapter.

11 (b) When the Commission suspends or denies the certification of a corrections officer pursuant to 12 NCAC 09G
12 .0504 of this Section, the period of sanction shall be not less than three years; however, the Commission may ~~[either]~~
13 reduce or suspend the period of sanction or substitute a period of probation in lieu of suspension of certification, or
14 impose a combination of reduction, suspension, or probation as determined on a case-by-case basis following a consent
15 order or an administrative hearing, where the cause of sanction is: [under Paragraph (c) of this Rule or substitute a
16 period of probation in lieu of suspension of certification following an administrative hearing, where the cause of
17 sanction is]:

- 18 (1) conviction of a Class B misdemeanor as defined in 12 NCAC 09G .0102(10)(b), for a three year
19 period prior to the date of application, or completion of any corrections supervision imposed by the
20 courts for such crimes within three years of issuance of certification;
21 ~~(2)~~ (2) commission or conviction of a Class B misdemeanor as defined in 12 NCAC 09G .0102(10)(b),
22 after certification;
23 ~~(3)~~ (3) discharge by the North Carolina Department of ~~[Public Safety, Division of]~~ Adult Correction and
24 ~~Juvenile Justice~~ pursuant to 12 NCAC 09G .0504(b)(4) and (b)(5) of this Section;
25 ~~(4)~~ (4) refusal to submit to the applicant drug screen required by the Rules in this Subchapter;
26 ~~(5)~~ (5) production of a positive result on a drug screen reported to the Commission under 12 NCAC 09G
27 ~~.0206-.0205~~, where the positive result cannot be explained to the Commission's satisfaction. For the
28 purposes of this Rule, "to the Commission's satisfaction" shall be determined on a case-by-case
29 basis, and the use of a prescribed drug shall be satisfactory;
30 ~~(6)~~ (6) has knowingly made a material misrepresentation of any information required for certification or
31 accreditation;
32 ~~(7)~~ (7) has knowingly and willfully obtained, attempted to obtain, aided another person to obtain, or aided
33 another person attempt to obtain credit, training or certification by any means of false pretense,
34 deception, fraud, misrepresentation or cheating;
35 ~~(8)~~ (8) failure to make either of the notifications as required by 12 NCAC 09G ~~.0302~~; .0208 or .0209
36 ~~(9)~~ (9) removal from office under the provisions of G.S. 128-16 or the provisions of G.S. 14-230; or

1 ~~(9)~~ (10) certification revoked or denied by the North Carolina Sheriffs' Education and Training Standards
2 Commission, if such certification was revoked or denied based on grounds that would constitute a
3 violation of Section 09G of these Rules.

4 (c) When the Commission suspends or denies the certification of a corrections officer, the period of sanction shall be
5 for an indefinite period, but continuing so long as the stated deficiency, infraction, or impairment continues to exist,
6 where the cause of sanction is:

- 7 (1) failure to meet or satisfy relevant basic training requirements;
- 8 (2) failure to meet or maintain the minimum standards for certification; or
- 9 (3) discharge from the North Carolina Department of **Adult** Correction for impairment of physical
10 or mental capabilities.

11
12 *History Note: Authority G.S. 17C-6; 17C-10;*
13 *Temporary Adoption Eff. January 1, 2001;*
14 *Eff. August 1, 2002;*
15 *Amended Eff. December 1, 2018; December 1, 2004;*
16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
17 *2019; Amended Eff. May 1, 2023.*

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19