

## REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Sheriff's Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0503

**DEADLINE FOR RECEIPT: Tuesday, May 7, 2019**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

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

*On line 1, please change "adopted as published" to "amended as published" in the introductory statement.*

*I note that the spacing of "Timereq" in the title of this Rule is inconsistent with both the form and the Code version of this Rule. Please review and revise as necessary.*

*In (a), delete or define "satisfactorily" in "satisfactorily complete"*

*In (a), line 6 and 10, capitalize "commission" Please do the same in (b), line 13*

*In (a), line 7, change "his/her" to "his or her"*

*In (a), please consider combining the first and second sentence so that it reads "Each deputy sheriff holding temporary or probationary certification shall complete a Commission-certified basic training course within one year from the date of his or her Oath of Office." Alternatively, change "such" to "the" in "such course"*

*In (a), line 9, consider deleting "be authorized to" in "be authorized to exercise"*

*On line 9, please consider changing "and shall not be authorized to exercise" to "nor*

*Making both of the changes on line 9 would read "... shall not exercise the powers of a deputy sheriff nor the power of arrest."*

*On lines 9-10, would the powers of deputy sheriff not include the power to arrest? If so, do you need "and shall not be authorized to exercise the power of arrest"? Please consider deleting this language. If you need this language, please consider saying something like "... exercise the power of a deputy sheriff, including the power of arrest."*

*In (a), line 11, how will it be determined whether the time period will be extended? Please provide the factors that the Commission will use in making this determination. Also, how*

Amber May  
Commission Counsel  
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*will it be determined for how long it will be? I understand that it will not exceed 12 months, but how will it be determined whether I get 12 months or 1 month?*

*In (b), delete "in its entirety." This seems to be redundant of "complete"*

*In (b), line 14, it says "appointed and certified", but line 18 speaks to "applying for certification"? Does the applicant have to simply apply for certification within one year of the completion of BLET or does he or she actually have to be "appointed and certified"?*

*In (b), line 13, it says "program", line 15, it says "course." Are these intended to be the same thing? If so, please use consistent terminology. Also, I assume that a "basic recruit training program" on line 16 is different than BLET?*

*In (b), line 16, delete or define "successfully"*

*In (b), line 18, delete or define "simple"*

*On line 18, what is meant by "simple negligence"? Can you provide some examples?*

*In (b), line 19, change "which" to "that" in "which is over one year old."*

*On line 20, what is meant by "shall not exceed 30 days"? How will it be determined how much time they'll be given? Here, do you mean "shall be 30 days"?*

*Please consider breaking (b) up into multiple sentences. As written, there is a lot of information in a single sentence. A suggestion would be as follows (please note that this suggestion does incorporate some of the above comments, but not all):*

(b) ~~Persons having~~ Any person who has completed a ~~commission-certified~~ Commission-certified basic law enforcement training program, ~~program and not having~~ but has not been duly appointed and certified in a sworn law enforcement position as defined in 12 NCAC 10B-.0103(17) within one year of completion of the basic law enforcement training course, shall complete a subsequent ~~commission-certified~~ Commission-certified basic recruit training program in its entirety and successfully pass the State Comprehensive Examination within the 12 month probationary period, period as prescribed in 12 NCAC 10B-.0402, unless the The Director shall waive this requirement and accept a course that was completed outside of the one year time period as set forth in Paragraph (a) of this Rule if he or she determines that a delay in applying for certification was due to simple negligence on the part of the applicant or employing agency. ~~agency, in which case the Director shall accept a commission-certified basic training program which is over one year old. Such~~ The extension of the one year period shall not exceed 30 days from the expiration date of a commission-certified basic training program.

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

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1 12 NCAC 10B .0503 IS ADOPTED AS PUBLISHED IN VOLUME 33, ISSUE 10, PAGES 1023-1024 OF  
2 THE NORTH CAROLINA PUBLIC REGISTER, AS FOLLOWS:

3  
4 12 NCAC 10B .0503 TIMEREQ/COMPLETION/BASIC LAW ENFORCEMENT TRAINING COURSE

5  
6 (a) Each deputy sheriff holding temporary or probationary certification shall satisfactorily complete a commission-  
7 certified basic training course. The deputy shall complete such course within one year from the date of his/her Oath  
8 of Office. Any deputy sheriff who does not comply with this Rule or other training provisions of this Chapter shall  
9 not be authorized to exercise the powers of a deputy sheriff and shall not be authorized to exercise the power of  
10 arrest. If, however, an officer has enrolled in a commission-certified basic law enforcement training program that  
11 concludes later than the end of the officer's probationary period, the Commission ~~shall~~ may extend the probationary  
12 period for a period not to exceed 12 months.

13 (b) Persons having completed a commission-certified basic law enforcement training program and not having been  
14 duly appointed and certified in a sworn law enforcement position as defined in 12 NCAC 10B .0103(17) within one  
15 year of completion of the basic law enforcement training course shall complete a subsequent commission-certified  
16 basic recruit training program in its entirety and successfully pass the State Comprehensive Examination within the  
17 12 month probationary period as prescribed in 12 NCAC 10B .0402, unless the Director determines that a delay in  
18 applying for certification was due to simple negligence on the part of the applicant or employing agency, in which  
19 case the Director shall accept a commission-certified basic training program which is over one year old. Such  
20 extension of the one year period shall not exceed 30 days from the expiration date of a commission-certified basic  
21 training program.

22  
23 *History Note:* Authority G.S. 17E-4; 17E-7;

24 *Eff. January 1, 1989;*

25 *Amended Eff. June 1, 2019; January 1, 2006; January 1, 1996; January 1, 1994; January 1, 1991;*

26 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
27 *2018.*  
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