

REQUEST FOR TECHNICAL CHANGE

AGENCY: Sherrifs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0407

DEADLINE FOR RECEIPT: Thursday, June 11, 2020

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 the following technical changes be made:

(a) and (b) appear to repeat each other with (b) providing an additional requirement. Did you intend to delete (a)? If not, please make the difference between the two more clear.

In (c), delete ".0407" in "under this Rule .0407," so that it just reads "this Rule," The formatting would be "this ~~Rule .0407~~ Rule."

In (c), who is to do these things? The officer? Please rewrite (c) to say who will do what. If the officer is responsible for these things, a suggestion would be something like:

~~(b)~~ (c) In order for an officer to be certified under this Rule .0407, ~~there must be:~~ ~~he or she shall:~~

- (1) ~~compliance~~ ~~comply~~ with the Report of Appointment form requirement of Rule .0403 of this Section;
- (2) ~~submitted~~ ~~submit~~ to the Division, a copy of the Oath of Office for applicants requesting certification as a deputy sheriff; and
- (3) ~~submitted~~ ~~submit~~ to the Division verification that the applicant meets the requirement of this Rule .0407(a)(2).

Depending on what you decide to do with (a), please double check (c)(3). Even if you intended to delete it, I think this is fine, but you would need to change your (b) back to (a) and your (c) back to (b).

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

Amber May
Commission Counsel
Date submitted to agency: May 28, 2020

1 12 NCAC 10B .0407 IS AMENDED AS PUBLISHED IN VOLUME 34, ISSUE 13, PAGES 1204-1205 OF THE
2 NORTH CAROLINA PUBLIC REGISTER, AS FOLLOWS:

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4
5 12 NCAC 10B .0407 CERTIFICATION OF FORMER SHERIFF

6
7 (a) The Division shall issue a General Certification to any person as either a deputy sheriff, a detention officer, or
8 telecommunicator who has previously served as an elected or appointed sheriff, if the person:

- 9 (1) applies to the Commission within one year of ceasing to serve as an elected or appointed sheriff;
10 and
11 (2) has served as an elected or appointed sheriff for a minimum of eight years; and
12 (3) left the office of sheriff in good standing.

13 (b) The Division shall issue a General Certification to any person as either a deputy sheriff, a detention officer, or
14 telecommunicator who has previously served as an elected or appointed sheriff, if the person:

- 15 (1) applies to the Commission within one year of ceasing to serve as an elected or appointed sheriff;
16 and
17 (2) has served as an elected or appointed sheriff for a minimum of four years and has held a General
18 Certification as deputy sheriff, detention officer, or telecommunicator with the North Carolina Sheriffs'
19 Education and Training Standards Commission or has held a General Certification as a sworn officer with
20 the North Carolina Criminal Justice Commission, with a break in service not to exceed one year prior to
21 serving as an elected or appointed sheriff; and
22 (3) left the office of sheriff in good standing.

23 (b) (c) In order for an officer to be certified under this Rule .0407, there must be:

- 24 (1) compliance with the Report of Appointment form requirement of Rule .0403 of this Section;
25 (2) submitted to the Division, a copy of the Oath of Office for applicants requesting certification as a
26 deputy sheriff; and
27 (3) submitted to the Division verification that the applicant meets the requirement of this Rule
28 .0407(a)(2).

29
30 *History Note: Authority G.S. 17E-4; 17E-7;*
31 *Eff. January 1, 1991;*
32 *Amended Eff. January 1, 1996;*
33 *Temporary Amendment Eff. March 1, 1998;*
34 *Amended Eff. August 1, 1998;*
35 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
36 *2018.*
37 *Amended Eff. July 1, 2020*