

12 NCAC 02I .0213 is amended with changes as published in 33:17 NCR 1765-1767 as follow:

12 NCAC 02I .0213 PERIOD OF SUSPENSION, REVOCATION OR DENIAL

(a) When the Attorney General, or his or her designee, ~~suspends~~ revokes or denies the commission of a company police officer, the period of sanction shall be permanent when the cause of the sanction is:

- (1) commission or conviction of a felony ~~offense, offense; or or;~~
- (2) commission or conviction of a criminal offense for which the authorized punishment includes imprisonment for up to two years.

(b) When the Attorney General, or his or her designee, suspends, revokes, or denies the commission of a company police officer, the period of sanction shall not be less than three years. However, the Attorney General, or his or her designee, may either reduce or suspend the period of sanction under 12 NCAC 02I .0212(b) or substitute a period of probation in lieu of suspension of a commission following an administrative hearing, where the cause of sanction is:

- (1) commission or conviction of a crime other than those listed in Paragraph (a) of Rule .0212;
- (2) refusal to submit to the applicant or lateral transferee drug screen required by 12 NCAC 02I .0202(7);
- (3) production of a positive result on a drug screen reported to the Company Police Administrator where the positive result cannot be explained to the Company Police Administrator's satisfaction ~~satisfaction~~ satisfaction. For the purpose of this Rule, "to the Company Police Administrator's satisfaction" shall be determined on a case-by-case basis, and the use of a prescribed drug shall be satisfactory;
- (4) material misrepresentation of any information required for company police commissioning;
- (5) obtaining, attempting to obtain, aiding another person to obtain, or aiding another person attempting to obtain credit, training or commissioning as a company police officer by any means of false pretense, deception, defraudation, misrepresentation misrepresentation, or cheating; or
- (6) failure to make either of the notifications as required by 12 NCAC 02I .0202(8); ~~.0202(8); or~~
- (7) commission of any act prohibited by 12 NCAC 02I .0304; or
- (8) termination from the company police agency for which the officer is commissioned; or
- (9) termination of the certification of the company police agency for with the officer is commissioned.

(c) When the Attorney General, or his or her designee, suspends or denies the commission of a company police officer, the period of sanction shall be continued so long as the stated deficiency, infraction, or impairment continues to exist, where the cause of sanction is:

- (1) failure to meet or satisfy all basic training requirements set forth in 12 NCAC 02I .0202(a)(4);
- (2) failure to meet or maintain the minimum standards of employment specified in 12 NCAC 02I .0202(a)(4); G.S. 74E;
- (3) discharge from a criminal justice agency for impairment of physical or mental capabilities; or
- (4) failure to meet the in-service training requirements as prescribed by the North Carolina Criminal Justice Education and Training Standards Commission.

History Note: Authority G.S. 74E-4;

1 *Eff. August 2, 1993;*
2 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,*
3 *2016;*
4 *Amended Eff. July 1, 2019.*

12 NCAC 02I .0306 is adopted with changes as published in 33:17 NCR 1765-1767 as follow:

12 NCAC 02I .0306 BADGES, UNIFORMS, VEHICLES AND OFFICER IDENTIFICATION

(a) Badges:

(1) All on-duty company police officers ~~shall, shall when on duty,~~ wear a badge bearing the name of the certified company police agency and the general title of Company Police Officer or the specific title of:

(A) Railroad Police Officer;

(B) Campus Police Officer; or

(C) Special Police Officer.

(2) The badge shall be carried at all times by the company police officer. The badge shall be worn in plain view to the public, except in situations where the officer's weapon is concealed under the provisions set forth in Rule .0304 of this Section.

(3) No identification card indicating the person is a company police officer shall be issued to or possessed by any company police officer except in the form of identification issued to the officer by the Attorney General.

(4) The Department Head shall ensure that employees who have not been commissioned as company police officers do not wear a badge used by the company police agency.

(b) Uniforms:

(1) All company police officers shall, when on duty, wear the uniform of the company police agency unless directed to wear other attire by the Department Head.

(2) Those company police agencies ~~which that~~ employ both company police commissioned and non-commissioned security personnel shall provide the commissioned company police officers with a uniform of a different color that ~~would that distinguishes~~ the company police officer from other employees of the agency. Furthermore, the Department Head shall ensure that employees who have not been commissioned as company police officers do not wear a uniform identifying them as company police officers.

(3) The uniform of the company police officer shall bear a shoulder patch or some equivalent item containing the following information:

(A) the terms "Railroad Police Officer," "Campus Police Officer," "Special Police Officer," or "Company Police Officer"; and

(B) the name of the company police agency.

(c) Vehicles:

(1) Each marked vehicle used by a company police agency subject to this Rule shall display the agency name and one of the following agency classifications: "Railroad Police," "Campus Police," "Special Police," or "Company Police".

(2) The agency classifications ~~required by~~ set forth in Subparagraph (a)(1) of this Rule shall be of uniform size with any other writing on the company police vehicle.

1 (3) The Department Head shall ensure that employees who have not been commissioned as company
2 police officers do not operate any marked vehicle used by the company police agency.

3 (4) The Department Head shall ensure that employees who are not commissioned as a company police
4 officer do not operate any company police vehicle with a blue light contained therein.

5 (5) The Department Head shall ensure that any marked company police agency vehicle is not operated
6 outside of those property jurisdiction limitations set forth in G.S. 74E-6, unless such operation is
7 performed by an on-duty commissioned company police officer in the performance of his or her
8 official duties and authorized by the Department Head.

9 (d) The requirements contained in this Rule shall not apply to those agencies and commissioned officers who are
10 regulated by the Tennessee Valley Authority, United States Nuclear Regulatory Commission, or the Railroad Police
11 Certification Act of 1990.

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13 *History Note: Authority G.S. 74E-4; 74E-7;*

14 Eff. August 2, 1993;

15 Amended Eff. February 1, 2008;

16 Agency did not readopt rule pursuant to G.S. 150B-21.3A by RRC established deadline of January
17 31, 2018;

18 Adopted Eff. July 1, 2019.