### TEMPORARY RULE RRC STAFF OPINION

PLEASE NOTE: THIS COMMUNICATION IS EITHER 1) ONLY THE RECOMMENDATION OF AN RRC STAFF ATTORNEY AS TO ACTION THAT THE ATTORNEY BELIEVES THE COMMISSION SHOULD TAKE ON THE CITED RULE AT ITS NEXT MEETING, OR 2) AN OPINION OF THAT ATTORNEY AS TO SOME MATTER CONCERNING THAT RULE. THE AGENCY AND MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT THEIR OWN COMMENTS AND RECOMMENDATIONS (ACCORDING TO RRC RULES) TO THE COMMISSION.

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: All Rules Filed

RECOMMENDED ACTION:

Approve, but note staff's comment

- X Object, based on:
  - X Failure to meet G.S. 150B-21.1(a) criteria Lack of statutory authority
  - X Unclear or ambiguousUnnecessaryFailure to comply with the APA

#### COMMENT:

The Criminal Justice Education and Training Standards Commission (CJETS) filed 18 temporary rules in 12 NCAC 09B and 09G. CJETS stated in each of the Temporary Rulemaking Findings of Need forms that the agency is relying upon G.S. 150B-21.1(a)(1) as its basis to engage in temporary rulemaking.

G.S. 150B-21.1(a)(1) states:

(a) Adoption. - An agency may adopt a temporary rule when it finds that adherence to the notice and hearing requirements of G.S. 150B-21.2 would be contrary to the public interest and that the immediate adoption of the rule is required by one or more of the following:

(1) A serious and unforeseen threat to the public health, safety, or welfare.

The agency's rationale to justify this basis states:

Amanda J Reeder Commission Counsel **Explain:** The Governor of North Carolina issued Executive Order No. 228, authorizing the extension of time to complete Criminal Justice Training Courses as need to ensure the completion of training to certify trainees, officers, and instructors. Also, to coordinate a response and enact protective measures to help prevent the spread of COVID-19 and other variants. The COVID-19 is a respiratory disease that can result in severe illness or death. Once an outbreak of the COVID-19 begins, it isn't easy to contain. North Carolina Community Colleges and agencies facilitate many of the Criminal Justice Training Courses. To preserve the health and well-being of the staff, students, and community, training courses began to close for 2-3 weeks. Training closures exceeding the requirements set forth in the NCAC 12 09B, 09C, and 09G impact the completion of training, certification of criminal justice officers and instructors' carry out their respective professional duties. In addition, Executive Order No. 228 expired on October 27, 2021. Criminal Justice Officers per code are required to complete specific training to maintain their certification. Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law. To prepare for any further potential unforeseen threat to public health or safety CJETS is pursuing rulemaking.

Based upon the explanation offered by the agency, it appears that the agency is relying upon the COVID-19 pandemic and variants as its basis for temporary rulemaking. While staff agrees that the pandemic does present a serious threat to public health, staff does not believe that at this point, it is "unforeseen," given that the pandemic began in the spring of 2020. The agency has not offered any explanation as to why the rulemaking was not needed until now, rather than last year when the pandemic began.

The agency refers to an Executive Order, EO 228, which was issued on August 27, 2021, in its explanation. As noted by the agency, that Executive Order expired October 27, 2021. Staff notes that Executive Orders are not a ground for engaging in temporary rulemaking pursuant to G.S. 150B-21.1.

In addition, in several rules, the agency is proposing what appear to be "clean up" amendments, such as capitalizing initialisms or updating the agency's address. Pursuant to G.S. 150B-21.5(a), the agency can update its address without notice, comment, or review by the RRC by notifying the Codifier. It does not appear that any of these "clean up" amendments meet the temporary rulemaking threshold set forth in G.S. 150B-21.1(a).

Therefore, staff does not believe that the agency has shown that the proposed temporary rules comply with G.S. 150B-21.1(a)(1), as it has not shown that the circumstances giving rise to the rulemaking are "unforeseen" at this time or that the other proposed changes are affected by G.S. 150B-21.1 at all.

Further, for every Rule, the agency is proposing to add language that states, "[T]he Director of the Criminal Justice Standards Division may allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on circumstances related to a lawfully declared State of Emergency."

Staff believes this language is ambiguous. It allows the Director broad discretion to vary the requirements within the Rule whenever the Director decides to do so, and the only limit is that the Director must determine it is necessary based upon a state of emergency. It does not state how the Director will make that determination, only that the Director must decide it is "necessary." Staff also notes that the agency says the Director may waive the rules based upon an emergency but is not required to do so, without stating the circumstances under which the Director can decide to not waive the Rule based upon an emergency. Further, the language gives rise to the question of what is a "lawfully declared" state of emergency. In addition, the Rule does not contain information on how this determination will be shared with the regulated public, nor how long the waiver will last. Therefore, staff believes this language is ambiguous as written.

#### § 150B-21.1. Procedure for adopting a temporary rule.

(a) Adoption. - An agency may adopt a temporary rule when it finds that adherence to the notice and hearing requirements of G.S. 150B-21.2 would be contrary to the public interest and that the immediate adoption of the rule is required by one or more of the following:

- (1) A serious and unforeseen threat to the public health, safety, or welfare.
- (2) The effective date of a recent act of the General Assembly or the United States Congress.
- (3) A recent change in federal or State budgetary policy.
- (4) A recent federal regulation.
- (5) A recent court order.
- (6) The need for a rule establishing review criteria as authorized by G.S. 131E-183(b) to complement or be made consistent with the State Medical Facilities Plan approved by the Governor, if the rule addresses a matter included in the State Medical Facilities Plan, and the proposed rule and a notice of public hearing is submitted to the Codifier of Rules prior to the effective date of the Plan.
- (7) The need for the Wildlife Resources Commission to establish any of the following:
  - a. No wake zones.
  - b. Hunting or fishing seasons, including provisions for manner of take or any other conditions required for the implementation of such season.
  - c. Hunting or fishing bag limits.
  - d. Management of public game lands as defined in G.S. 113-129(8a).
- (8) The need for the Secretary of State to implement the certification technology provisions of Article 11A of Chapter 66 of the General Statutes, to adopt uniform Statements of Policy that have been officially adopted by the North American Securities Administrators Association, Inc., for the purpose of promoting uniformity of state securities regulation, and to adopt rules governing the conduct of hearings pursuant to this Chapter.
- (9) The need for the Commissioner of Insurance to implement the provisions of G.S. 58-2-205.
- (10) The need for the State Chief Information Officer to implement the information technology procurement provisions of Article 15 of Chapter 143B of the General Statutes.

- (11) The need for the State Board of Elections to adopt a temporary rule after prior notice or hearing or upon any abbreviated notice or hearing the agency finds practical for one or more of the following:
  - a. In accordance with the provisions of G.S. 163-22.2.
  - b. To implement any provisions of state or federal law for which the State Board of Elections has been authorized to adopt rules.
  - c. The need for the rule to become effective immediately in order to preserve the integrity of upcoming elections and the elections process.
- (12) Repealed by Session Laws 2015-264, s. 22, effective October 1, 2015.
- (13), (14) Reserved.
- (15) Expired pursuant to Session Laws 2002-164, s. 5, effective October 1, 2004.
- (16) Expired pursuant to Session Laws 2003-184, s. 3, effective July 1, 2005.
- (17) To maximize receipt of federal funds for the Medicaid or NC Health Choice programs within existing State appropriations, to reduce Medicaid or NC Health Choice expenditures, and to reduce Medicaid and NC Health Choice fraud and abuse.
- (a1) Recodified as subdivision (a)(16) of this section by Session Laws 2004-156, s. 1.

(a2) A recent act, change, regulation, or order as used in subdivisions (2) through (5) of subsection (a) of this section means an act, change, regulation, or order occurring or made effective no more than 210 days prior to the submission of a temporary rule to the Rules Review Commission. Upon written request of the agency, the Commission may waive the 210-day requirement upon consideration of the degree of public benefit, whether the agency had control over the circumstances that required the requested waiver, notice to and opposition by the public, the need for the waiver, and previous requests for waivers submitted by the agency.

- (a3) Unless otherwise provided by law, the agency shall:
  - (1) At least 30 business days prior to adopting a temporary rule, submit the rule and a notice of public hearing to the Codifier of Rules, and the Codifier of Rules shall publish the proposed temporary rule and the notice of public hearing on the Internet to be posted within five business days.
  - (2) At least 30 business days prior to adopting a temporary rule, notify persons on the mailing list maintained pursuant to G.S. 150B-21.2(d) and any other interested parties of its intent to adopt a temporary rule and of the public hearing.
  - (3) Accept written comments on the proposed temporary rule for at least 15 business days prior to adoption of the temporary rule.
  - (4) Hold at least one public hearing on the proposed temporary rule no less than five days after the rule and notice have been published. If notice of a public hearing

Amanda J Reeder Commission Counsel has been published and that public hearing has been cancelled, the agency shall publish notice at least five days prior to the date of any rescheduled hearing.

(a4) An agency must also prepare a written statement of its findings of need for a temporary rule stating why adherence to the notice and hearing requirements in G.S. 150B-21.2 would be contrary to the public interest and why the immediate adoption of the rule is required. If the temporary rule establishes a new fee or increases an existing fee, the agency shall include in the written statement that it has complied with the requirements of G.S. 12-3.1. The statement must be signed by the head of the agency adopting the temporary rule.

(b) Review. - When an agency adopts a temporary rule it must submit the rule and the agency's written statement of its findings of the need for the rule to the Rules Review Commission. Within 15 business days after receiving the proposed temporary rule, the Commission shall review the agency's written statement of findings of need for the rule and the rule to determine whether the statement meets the criteria listed in subsection (a) of this section and the rule meets the standards in G.S. 150B-21.9. The Commission shall direct a member of its staff who is an attorney licensed to practice law in North Carolina to review the statement of findings of need and the rule. The staff member shall make a recommendation to the Commission, which must be approved by the Commission or its designee. The Commission's designee shall be a panel of at least three members of the Commission. In reviewing the statement, the Commission or its designee may consider any information submitted by the agency or another person. If the Commission or its designee finds that the statement meets the criteria listed in subsection (a) of this section and the rule meets the standards in G.S. 150B-21.9, the Commission or its designee must approve the temporary rule and deliver the rule to the Codifier of Rules within two business days of approval. The Codifier of Rules must enter the rule into the North Carolina Administrative Code on the sixth business day following receipt from the Commission or its designee.

(b1) If the Commission or its designee finds that the statement does not meet the criteria listed in subsection (a) of this section or that the rule does not meet the standards in G.S. 150B-21.9, the Commission or its designee must immediately notify the head of the agency. The agency may supplement its statement of need with additional findings or submit a new statement. If the agency provides additional findings or submits a new statement, the Commission or its designee must review the additional findings or new statement within five business days after the agency submits the additional findings or new statement. If the Commission or its designee again finds that the statement does not meet the criteria listed in subsection (a) of this section or that the rule does not meet the standards in G.S. 150B-21.9, the Commission or its designee must immediately notify the head of the agency and return the rule to the agency.

(b2) If an agency decides not to provide additional findings or submit a new statement when notified by the Commission or its designee that the agency's findings of need for a rule do not meet the required criteria or that the rule does not meet the required standards, the agency must notify the Commission or its designee of its decision. The Commission or its designee shall then return the rule to the agency. When the Commission returns a rule to an agency in accordance with this subsection, the agency may file an action for declaratory judgment in Wake County Superior Court pursuant to Article 26 of Chapter 1 of the General Statutes.

(b3) Notwithstanding any other provision of this subsection, if the agency has not complied with the provisions of G.S. 12-3.1, the Codifier of Rules shall not enter the rule into the Code.

(c) Standing. - A person aggrieved by a temporary rule adopted by an agency may file an action for declaratory judgment in Wake County Superior Court pursuant to Article 26 of Chapter 1 of the General Statutes. In the action, the court shall determine whether the agency's written statement of findings of need for the rule meets the criteria listed in subsection (a) of this section and whether the rule meets the standards in G.S. 150B-21.9. The court shall not grant an ex parte temporary restraining order.

(c1) Filing a petition for rule making or a request for a declaratory ruling with the agency that adopted the rule is not a prerequisite to filing an action under this subsection. A person who files an action for declaratory judgment under this subsection must serve a copy of the complaint on the agency that adopted the rule being contested, the Codifier of Rules, and the Commission.

(d) Effective Date and Expiration. - A temporary rule becomes effective on the date specified in G.S. 150B-21.3. A temporary rule expires on the earliest of the following dates:

- (1) The date specified in the rule.
- (2) The effective date of the permanent rule adopted to replace the temporary rule, if the Commission approves the permanent rule.
- (3) The date the Commission returns to an agency a permanent rule the agency adopted to replace the temporary rule.
- (4) The effective date of an act of the General Assembly that specifically disapproves a permanent rule adopted to replace the temporary rule.
- (5) 270 days from the date the temporary rule was published in the North Carolina Register, unless the permanent rule adopted to replace the temporary rule has been submitted to the Commission.

(e) Publication. - When the Codifier of Rules enters a temporary rule in the North Carolina Administrative Code, the Codifier must publish the rule in the North Carolina Register. (1973, c. 1331, s. 1; 1981, c. 688, s. 12; 1981 (Reg. Sess., 1982), c. 1232, s. 1; 1983, c. 857; c. 927, ss. 4, 8; 1985, c. 746, s. 1; 1985 (Reg. Sess., 1986), c. 1022, s. 1(1), 1(8); 1987, c. 285, ss. 10-12; 1991, c. 418, s. 1; 1991 (Reg. Sess., 1992), c. 900, s. 149; 1993, c. 553, s. 54; 1995, c. 507, s. 27.8(c); 1996, 2nd Ex. Sess., c. 18, ss. 7.10(c), (d); 1997-403, ss. 1-3; 1998-127, s. 2; 1998-212, s. 26B(h); 1999-434, s. 16; 1999-453, s. 5(a); 2000-69, ss. 3, 5; 2000-148, ss. 4, 5; 2001-126, s. 12; 2001-421, ss. 2.3, 5.3; 2001-424, ss. 27.17(b), (c), 27.22(a), (b); 2001-487, s. 21(g); 2002-97, ss. 2, 3; 2002-164, s. 4.6; 2003-184, s. 3; 2003-229, s. 2; 2003-413, ss. 27, 29; 2004-156, s. 1; 2011-398, s. 4; 2013-360, s. 12H.9(d); 2013-413, s. 39; 2015-241, s. 7A.4(ee); 2015-264, s. 22; 2017-6, s. 3; 2018-146, ss. 3.1(a), (b), 6.1; 2020-3, s. 4.25(a).)

#### TEMPORARY RULES REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: All Rules Filed

#### DEADLINE FOR RECEIPT: Monday, November 15, 2021

# <u>NOTE WELL:</u> This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In the Temporary Rulemaking Findings of Need Form:

Box (5)d., you state the comment period was September 15 through October 5. That is only 14 business days and G.S. 150B-21.1(a3)(3) requires a 15-day comment period. You published on the OAH website that the comment period ended October 6. Please confirm the date your comment period ended and if necessary, update the form to reflect that.

Box (5)e., what is the date you sent notice to your interested parties? Please note, G.S. 150B-21.1(a1), the statute you are citing to, was recodified to G.S. 150B-21.1(a)(16) in 2004. G.S. 150B-21.1(a)(16) was repealed in 2005.

In Box 6, why are you referring to, "Training closures exceeding the requirements set forth in the NCAC 12... 09C[.]"? You did not move to amend any of the 12 NCAC 09C rules through temporary rulemaking, so I do not understand the reference.

For the following Rules, please change the following:

12 NCAC 09B .0214 – On Box (5)f., you state the agency adopted this Rule on September 3, 2021, rather than the October 28 date on the other forms for the remaining rules. Please confirm and update the date of adoption.

12 NCAC 09B .0233 – On Box 4, remove the effective date of October 28, 2021, as this was not an emergency rule.

12 NCAC 09B .0242 – On Box 4, please check "No"

12 NCAC 09B .0244 – On Box 2, please correct the name of the Rule by inserting the "/" between "Time-Distance" and "LIDAR"

Amanda J. Reeder Commission Counsel Date submitted to agency: November 8, 2021 On Box 4, please check "No"

12 NCAC 09G .0416 – On Box 2, please correct the name of the Rule by making "Training - Control" plural to match the name in the Rule as submitted.

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

Amanda J. Reeder Commission Counsel Date submitted to agency: November 8, 2021



[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency: North Carolina Criminal Justice Education Training and Standards Commission
2. Rule citation & name: 12 NCAC 09B .0202 RESPONSIBILITIES OF THE SCHOOL DIRECTOR
3. Action: Adoption Amendment Repeal
4. Was this an Emergency Rule: ☐ Yes Effective date: ⊠ No
5. Provide dates for the following actions as applicable:
a. Proposed Temporary Rule submitted to OAH: September 7, 2021
b. Proposed Temporary Rule published on the OAH website: September 14, 2021
c. Public Hearing date: October 25, 2021
d. Comment Period: September 15, 2021-October 5, 2021
e. Notice pursuant to G.S. 150B-21.1(a3)(2): 150B-21.1(a1)
f. Adoption by agency on: October 28, 2021
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: November 30, 2021
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.
<ul> <li>A serious and unforeseen threat to the public health, safety or welfare.</li> <li>The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite:</li> </ul>
Effective date: A recent change in federal or state budgetary policy. Effective date of change:
A recent federal regulation. Cite:
Effective date: A recent court order.
Cite order:
State Medical Facilities Plan.         Other:
<b>Explain:</b> The Governor of North Carolina issued Executive Order No. 228, authorizing the extension of time to complete Criminal Justice Training Courses as need to ensure the completion of training to certify trainees, officers, and instructors. Also, to coordinate a response and enact protective measures to help prevent the spread of COVID-19 and other variants. The COVID-19 is a respiratory disease that can result in severe illness or death. Once an outbreak of the COVID-19 begins, it isn't easy to contain. North Carolina Community Colleges and agencies facilitate many of the Criminal Justice Training Courses. To preserve the health and well-being of the staff, students, and community, training courses began to close for 2-3 weeks. Training closures exceeding the requirements set forth in the NCAC 12 09B, 09C, and 09G impact the completion of training, certification of criminal justice officers and instructors' carry out their respective professional duties. In addition, Executive Order No. 228 expired on October 27, 2021. Criminal Justice Officers per code are required to complete specific training to maintain their certification. Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law. To prepare for any further potential unforeseen threat to public health or safety CJETS is pursuing rulemaking.

rule is required?	contrary to the public interest and the immediate adoption of the r loss of officers' certification to serve their communities and enforce	
<ul> <li>8. Rule establishes or increases a fee? (See G.S. 12-3.1)</li> <li>Yes <ul> <li>Agency submitted request for consultation on:</li> <li>Consultation not required. Cite authority:</li> </ul> </li> <li>No</li> </ul>	·	
9. Rule-making Coordinator: Charminique D. Williams 10. Signature of Agency-Head*:		
Phone: (919) 779-8206	(1)	
E-Mail: cdwilliams@ncdoj.gov	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.	
Agency contact, if any:	Typed Name: Chris Blue	
Phone:		
E-Mail:	E-Mail: CBLUE@townofchapelhill.org	
RULES REVIEW COMMISSION USE ONL Action taken:	Y Submitted for RRC Review:	
Date returned to agency:		

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1 12 NCAC 09B .0202 is amended under temporary procedures as follows:

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3	12 NCAC 09B	.0202 RESPONSIBILITIES OF THE SCHOOL DIRECTOR
4	(a) In planning,	developing, coordinating, and delivering each Commission-certified criminal justice training course,
5	the School Dire	ctor shall:
6	(1)	Formalize and schedule the course curriculum in accordance with the curriculum standards
7		established in this Subchapter;
8	(2)	Select and schedule instructors who are certified by the Commission;
9	(3)	Provide each instructor with a current Commission course outline and all necessary additional
10		information concerning the instructor's duties and responsibilities;
11	(4)	Notify each instructor that he or she shall comply with the Basic Law Enforcement Training Course
12		Management Guide and provide him or her access to the most current version of the Course
13		Management Guide;
14	(5)	Ensure each instructor utilizes Commission approved lesson plans and instructional materials;
15	(6)	Arrange for the availability of appropriate audiovisual aids and materials, publications, facilities,
16		and equipment for training in all topic areas;
17	(7)	Develop, adopt, reproduce, and distribute any supplemental rules and requirements determined by
18		the school to be necessary or appropriate for:
19		(A) effective course delivery;
20		(B) establishing responsibilities and obligations of agencies or departments employing or
21		sponsoring course trainees; and
22		(C) regulating trainee participation and demeanor, ensuring trainee attendance, and
23		maintaining performance records;
24	(8)	If appropriate, recommend housing and dining facilities for trainees;
25	(9)	Administer the course delivery in accordance with Commission approved lesson plans and course
26		management guides;
27	(10)	Maintain direct supervision, direction, and control over the performance of all persons to whom any
28		portion of the planning, development, presentation, or administration of a course has been delegated.
29		The comprehensive final examination shall be administered by the Criminal Justice Education and
30		Training Standards Commission; and
31	(11)	Report the completion of each presentation of a Commission-certified criminal justice training
32		course to the Commission, utilizing forms required for submission, which are located on the
33		Agency's website: https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-
34		publications/.
35	(b) In addition t	to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-
36	certified Basic I	aw Enforcement Training Course, the School Director shall:

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1	(1)	Deliver training in accordance with the most current version of the Basic Law Enforcement Training
2		Course Management Guide as published by the North Carolina Justice Academy;
3	(2)	Schedule course presentation to include 12 hours of instruction each week during consecutive
4		calendar weeks, except that there may be as many as three one-week breaks until course
5		requirements are completed; the Director of the Criminal Justice Standards Division may allow
6		additional breaks in a specific course delivery when the Director determines that doing so is
7		necessary based on circumstances related to a lawfully declared State of Emergency.
8	(3)	Schedule only specialized instructors certified by the Commission to teach those high-liability areas
9		as specified in Rule .0304(a) of this Subchapter as either the lead instructor or as assistant instructors
10		or role players;
11	(4)	With the exception of the First Responder, Physical Fitness, Explosives and Hazardous Materials,
12		and topical areas outlined in Rule .0304(a) of this Subchapter, schedule one specialized instructor
13		certified by the Commission for every six trainees while engaged in a practical performance
14		exercise;
15	(5)	Schedule one specialized instructor certified by the Commission for every eight trainees while
16		engaged in a practical performance exercise in the topical area "Subject Control Arrest Techniques";
17	(6)	Schedule no single individual to instruct more than 35 percent of the total hours of the curriculum
18		during any one delivery of the Basic Law Enforcement Training Course presentation;
19	(7)	Not less than 30 days before commencing delivery of the Basic Law Enforcement Training Course,
20		submit to the Commission a Pre-Delivery Report of Training Course Presentation pursuant to 12
21		NCAC 09C .0211. The Pre-Delivery Report (Form F-10A) shall indicate a requested date and
22		location for the administration of the State comprehensive exam, and include the following
23		attachments:
24		(A) a course schedule showing the arrangement of topical presentations and proposed
25		instructional assignments; and
26		(B) a copy of any rules and requirements for the school. A copy of those rules shall also be
27		given to each trainee and to the executive officer of each trainee's employing or sponsoring
28		agency or department at the time the trainee enrolls in the course;
29	(8)	Monitor, or designate an instructor certified by the Commission to monitor, a presentation of each
30		instructor once during each three year certification period in each topic taught by the instructor and
31		prepare a written evaluation on the instructor's performance and suitability for subsequent
32		instructional assignments. The observations shall be of sufficient duration to ensure that the
33		instructor is using the Instructional System Design model, and that the delivery is objective-based,
34		documented by, and consistent with a Commission-approved lesson plan. For each topic area, the
35		School Director's evaluation shall be based upon the course delivery observations, the instructor's
36		use of the approved lesson plan, and the results of the student evaluations of the instructor. For
37		probationary instructors, the evaluations conducted by another instructor shall be prepared on the

1		Crimin	al Justice Instructor Evaluation (Form F-16) and forwarded to the Commission. Based on		
2		this evaluation, the School Director shall recommend approval or denial of requests for General			
3		Instruc	Instructor Certification. For all other instructors, these evaluations shall be prepared on the Criminal		
4		Justice	Justice Instructor Evaluation (Form F-16), be kept on file by the school for a period of three years,		
5		and sh	all be made available for inspection by a representative of the Commission upon request. In		
6		the ev	ent the evaluation of an instructor indicates that his or her performance was less than		
7		accept	able, the School Director shall forward a copy of the evaluation to the Commission. Any		
8		instruc	tor who is evaluating the instructional presentation of another instructor shall hold		
9		certific	cation in the same instructional topic area as that for which the instructor is being evaluated;		
10	(9)	Admin	ister or designate a staff person to administer course specific tests during course delivery:		
11		(A)	to determine and record the level of trainee comprehension and retention of instructional		
12			subject matter;		
13		(B)	to provide a basis for a final determination or recommendation regarding the minimum		
14			degree of knowledge and skill of each trainee to function as an inexperienced law		
15			enforcement officer; and		
16		(C)	to determine subject or topic areas of deficiency for the application of Rule .0405(a)(3) of		
17			this Subchapter; and		
18	(10)	Not m	ore than 10 days after the conclusion of a school's offering of Basic Law Enforcement		
19		Trainir	ng, submit to the Commission a Post-Delivery Report of Training Course Presentation (Form		
20		F-10B)	) that shall include:		
21		(A)	a "Student Course Completion" form for each individual enrolled on the day of orientation;		
22		(B)	a "Certification and Test Score Release" form;		
23		(C)	the "Police Officer Physical Ability Test (POPAT) Post-Course" final form; and		
24		(D)	the orientation class enrollment roster.		
25	(c) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-				
26	certified "Crimin	nal Justic	ce Instructor Training Course," the School Director shall:		
27	(1)	Schedu	ale course presentation pursuant to Rule .0209 of this Subchapter;		
28	(2)	Schedu	ale evaluators as follows:		
29		(A)	each evaluator, as well as the instructors, shall have completed a Commission-certified		
30			instructor training course or an equivalent instructor training course utilizing the		
31			Instructional Systems Design model, an international model with applications in education,		
32			military training, and private enterprise; and		
33		(B)	each instructor and evaluator shall document successful participation in a program		
34			presented by the North Carolina Justice Academy for purposes of familiarization and		
35			supplementation relevant to delivery of the instructor training course and trainee		
36			evaluation;		

1	(3)	Not fewer than 30 days before commencing delivery of the course, submit to the Commission a Pro-	e-
2		Delivery Report of Training Course Presentation [Form F-10A(ITC)] with the following	ıg
3		attachments:	
4		(A) a course schedule showing the arrangement of topical presentations and propose	ed
5		instructional assignments;	
6		(B) the names and last four digits of the social security numbers of all instructors and	ıd
7		evaluators; and	
8		(C) a copy of any rules and requirements for the school; and	
9	(4)	Not more than 10 days after course completion, submit to the Commission a Post-Delivery Repo	rt
10		[Form F-10B(ITC)] containing the following:	
11		(A) class enrollment roster;	
12		(B) a course schedule with the designation of instructors and evaluators utilized in delivery;	
13		(C) scores recorded for each trainee on the 70 minute skill presentation; and	
14		(D) designation of trainees who completed the course in its entirety and whom the School	ol
15		Director finds to be competent to instruct.	
16	(d) In addition t	to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission	n-
17	certified RADA	R, RADAR and Time-Distance, Time-Distance, or LIDAR speed measurement operator training	ıg
18	course or re-cert	tification course, the School Director shall:	
19	(1)	select and schedule speed measurement instrument instructors who are certified by the Commission	m
20		as instructors for the specific speed measurement instruments in which the trainees are to receiv	/e
21		instruction as follows:	
22		(A) provide to the instructor the Commission form(s) for motor skill examination on eac	:h
23		trainee;	
24		(B) require the instructor to complete the motor skill examination form on each trained	e
25		indicating the level of proficiency obtained on each specific instrument; and	
26		(C) require each instructor to sign each individual form and submit the original to the School	ol
27		Director;	
28	(2)	not fewer than 30 days before the scheduled starting date, submit to the Director of the Standard	ls
29		Division a Pre-Delivery Report of Speed Measuring Instrument Course Presentation [Form F-10.	A
30		(SMI)] that shall contain a period of course delivery including the proposed starting date, course	se
31		location, requested date and location for the administration of the State exam, and the number of	of
32		trainees to be trained on each type of approved speed measurement instrument. The Director of the	ıe
33		Standards Division shall review the request and notify the School Director within thirty busines	SS
34		days if the request is approved or denied; and	
35	(3)	upon completing delivery of the Commission-certified course, and not more than 10 days after the	ıe
36		conclusion of a school's offering of a certified RADAR, RADAR and Time-Distance, Time	e-
37		Distance, or LIDAR speed measurement operator training course or re-certification course, th	ıe

1		School Director shall notify the Commission regarding the progress and achievements of each
2		trainee by submitting a Post-Delivery Report of Training Course Presentation [Form F-10B (SMI)].
3		This report shall include the original motor-skill examination form(s) completed and signed by the
4		certified instructor responsible for administering the motor-skill examination to the respective
5		trainee.
6		
7	History Note:	Authority G.S. 17C-6;
8		Eff. January 1, 1981;
9		Amended Eff. November 1, 1981;
10		Readopted w/change Eff. July 1, 1982;
11		Amended Eff. January 1, 2015; June 1, 2013; April 1, 2009; November 1, 2007; January 1, 2006;
12		May 1, 2004; August 1, 2000; January 1, 1996; November 1, 1993; December 1, 1987; January 1,
13		1985;
14		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
15		2019;
16		Amended Eff. July 1, 2021; January 1, 2021; July 1, 2020.
17		
18		



[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency: North Carolina Criminal Justice Education Training and Standards	Commission
2. Rule citation & name: 12 NCAC 09B .0209 CRIMINAL JUSTICE INSTRUCTOR TH	RAINING
3. Action: Adoption Amendment Repeal	
4. Was this an Emergency Rule: Xes Effective date: No	
5. Provide dates for the following actions as applicable:	
a. Proposed Temporary Rule submitted to OAH: September 7, 2021	
b. Proposed Temporary Rule published on the OAH website: September 14, 2021	
c. Public Hearing date: October 25, 2021	
d. Comment Period: September 15, 2021-October 5, 2021	
e. Notice pursuant to G.S. 150B-21.1(a3)(2): 150B-21.1(a1)	
f. Adoption by agency on: October 28, 2021	
g. Proposed effective date of temporary rule [if other than effective date established by and G.S. 150B-21.3]: November 30, 2021	G.S. 150B- 21.1(b)
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:	
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or documen	it necessary for the review.
<ul> <li>A serious and unforeseen threat to the public health, safety or welfare.</li> <li>The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date:</li> </ul>	
A recent change in federal or state budgetary policy.	
Effective date of change: A recent federal regulation. Cite:	
Effective date:	
A recent court of der.	
<ul> <li>State Medical Facilities Plan.</li> <li>Other:</li> </ul>	
<b>Explain:</b> The Governor of North Carolina issued Executive Order No. 228, authorizing the exter- Justice Training Courses as need to ensure the completion of training to certify trainees, officer coordinate a response and enact protective measures to help prevent the spread of COVID-19 a a respiratory disease that can result in severe illness or death. Once an outbreak of the COVID- North Carolina Community Colleges and agencies facilitate many of the Criminal Justice Train and well-being of the staff, students, and community, training courses began to close for 2-3 we requirements set forth in the NCAC 12 09B, 09C, and 09G impact the completion of training, c officers and instructors' carry out their respective professional duties. In addition, Executive Or 2021. Criminal Justice Officers per code are required to complete specific training to maintain the with the requirements results in delayed or loss of officers' certification to serve their communit for any further potential unforeseen threat to public health or safety CJETS is pursuing rulemak	rs, and instructors. Also, to nd other variants. The COVID-19 is -19 begins, it isn't easy to contain. ning Courses. To preserve the health eeks. Training closures exceeding the certification of criminal justice der No. 228 expired on October 27, their certification. Failure to comply ties and enforce the law. To prepare

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required? Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce				
the law.				
8. Rule establishes or increases a fee? (See G.S. 12-3.1)				
<ul> <li>Yes</li> <li>Agency submitted request for consultation on: Consultation not required. Cite authority:</li> </ul>				
⊠ No				
9. Rule-making Coordinator: Charminique D. Williams	s 10. Signature of Agency Head*?			
Phone: (919) 779-8206				
E-Mail: cdwilliams@ncdoj.gov	* If this function has been delegated (reassigned) pursuant			
	to G.S. 143B-10(a), submit a copy of the delegation with this form.			
Agency contact, if any:	Typed Name: Chris Blue			
Phone:	Title: Commission Chair			
E-Mail:	E-Mail: CBLUE@townofchapelhill.org			
RULES REVIEW COMMISSION USE ONI				
Action taken:	Submitted for RRC Review:			
Date returned to agency:				

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12 NCAC 09B .0209 is proposed for amendment under temporary procedures as follows:

3 12 NCAC 09B .0209 **CRIMINAL JUSTICE INSTRUCTOR TRAINING** 4 (a) The Instructor Training course required for General Instructor certification shall consist of a minimum of 40 hours 5 of classroom instruction, plus the time required to conduct practical exercises, student presentations, and post testing 6 presented during a period of no more than 15 business days. The Director of the Criminal Justice Standards Division 7 may allow additional breaks in a specific course delivery when the Director determines that doing so is necessary 8 based on circumstances related to a lawfully declared State of Emergency. 9 (b) Each Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform 10 the functions of a criminal justice instructor. 11 (c) Each Instructor Training course shall include the following identified topic areas and minimum instructional 12 hours for each area: 13 (1)Orientation and Pre-Test 1 Hour 14 (2)Instructional Systems Design (ISD) 5 Hours 15 Law Enforcement Instructor Liabilities and Legal Responsibilities 2 Hours (3) 16 (4)Criminal Justice Instructional Leadership 4 Hours 17 Lesson Plan Preparation: Professional Resources 2 Hours (5) 18 (6) Lesson Plan Development and Formatting 3 Hours 2 Hours 19 (7)Adult Learning 20 (8) Instructional Styles and Platform Skills 5 Hours 21 (9) Classroom Management 3 Hours 22 (10)Active Learning: Demonstration and Practical Exercises 3 Hours 23 (11)The Evaluation Process of Learning 4 Hours 24 (12)Audio Visual Aids 5 Hours 25 (13)Course Closing and Post-test 1 Hour 26 (14)Completion of tasks associated with practical exercises, student presentations, and post testing; the 27 number of hours required to complete this portion of the curriculum shall be based on the number 28 of enrolled students, available facilities, and number of instructors. 29 (d) The "Instructor Training" manual published by the North Carolina Justice Academy shall be the curriculum for 30 instructor training courses. Copies of this publication may be inspected at the agency: 31 Criminal Justice Standards Division 32 North Carolina Department of Justice 33 1700 Tryon Park Drive 34 Post Office Drawer 149 35 Raleigh, North Carolina 27602 36 and may be purchased at the cost of printing and postage from the Academy at the following address: 37 North Carolina Justice Academy

1		Post Office Drawer 99
2		Salemburg, North Carolina 28385
3		
4	History Note:	Authority G.S. 17C-6;
5		Eff. January 1, 1981;
6		Amended Eff. July 1, 2018; April 1, 2018; January 1, 2018; January 1, 2015; December 1, 2009;
7		August 1, 2005; November 1, 1998; January 1, 1995; March 1, 1990; July 1, 1989; January 1,
8		1985;
9		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
10		2019;
11		Amended Eff. July 1, 2021; January 1, 2021.
12		
13		



[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making	Agency: North Carolin	a Criminal Justice Education Tr	raining and Standards Commission	
2. Rule citation	& name: 12 NCAC 09	9B.0210 RADAR INSTRUCT	OR TRAINING COURSE	
3. Action:	Adoption	Amendment	Repeal	
4. Was this an I	Emergency Rule: 🔲 Y 🛛 N	Yes Effective date: No		
5. Provide dates	s for the following action	ons as applicable:		
a. Proposed T	emporary Rule submit	tted to OAH: September 7, 20	)21	
b. Proposed T	emporary Rule publis	hed on the OAH website: Sep	tember 14, 2021	
c. Public Hear	ring date: October 25,	2021		
d. Comment I	Period: September 15,	2021-October 5, 2021		
e. Notice purs	uant to G.S. 150B-21.1	(a3)(2): 150B-21.1(a1)		
f. Adoption by	y agency on: October 2	28, 2021		
	ffective date of tempora DB-21.3]: November 3		e date established by G.S. 150B- 21.1(b)	
h. Rule appro	ved by RRC as a perm	anent rule [See G.S. 150B-21.3	3(b2)]:	
6. Reason for T	emporary Action. Atta	ach a copy of any cited law, re	gulation, or document necessary for the review.	
<ul> <li>The effective</li> <li>Effective</li> <li>A recent</li> <li>Effective</li> <li>A recent</li> </ul>	tive date of a recent ac	t to the public health, safety or ct of the General Assembly or tate budgetary policy.		
Cite: Effective	date:			
A recent	court order.		· · · · · · · · · · · · · · · · · · ·	
Cite orde	er: dical Facilities Plan.			
Justice Training C coordinate a response a respiratory dise. North Carolina C and well-being of requirements set 1 officers and instru- 2021. Criminal Ju- with the requirem	Courses as need to ensur onse and enact protectiv ase that can result in sev ommunity Colleges and the staff, students, and forth in the NCAC 12 09 ictors' carry out their results istice Officers per code a lents results in delayed c	re the completion of training to c re measures to help prevent the s vere illness or death. Once an ou agencies facilitate many of the community, training courses be OB, 09C, and 09G impact the co- spective professional duties. In a are required to complete specific	28, authorizing the extension of time to complete Crimin certify trainees, officers, and instructors. Also, to spread of COVID-19 and other variants. The COVID-19 utbreak of the COVID-19 begins, it isn't easy to contain. Criminal Justice Training Courses. To preserve the heal gan to close for 2-3 weeks. Training closures exceeding impletion of training, certification of criminal justice addition, Executive Order No. 228 expired on October 2' c training to maintain their certification. Failure to comp o serve their communities and enforce the law. To prepar TS is pursuing rulemaking.	) is th the 7, ly

rule is required?	contrary to the public interest and the immediate adoption of the r loss of officers' certification to serve their communities and enforce
<ul> <li>8. Rule establishes or increases a fee? (See G.S. 12-3.1)</li> <li>Yes <ul> <li>Agency submitted request for consultation on:</li> <li>Consultation not required. Cite authority:</li> </ul> </li> <li>No</li> </ul>	
9. Rule-making Coordinator: Charminique D. Williams	10. Signature of Agency Head*:
Phone: (919) 779-8206	
E-Mail: cdwilliams@ncdoj.gov	* If this function has been-delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.
Agency contact, if any:	Typed Name: Chris Blue
Phone;	
E-Mail:	E-Mail: CBLUE@townofchapelhill.org
RULES REVIEW COMMISSION USE ONL Action taken:	X Submitted for RRC Review:
Date returned to agency:	

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12 NCAC 09B .0210 is amended under temporary procedures as follows:

3	12 NCAC 09B			
4	(a) The <del>radar in</del>	astructor training course RADAR Instructor Training Course shall be designed to provide the trainee		
5	with the skills and knowledge to proficiently perform the function of a criminal justice radar RADAR instructor. This			
6	course shall be	for a period not to exceed six consecutive weeks. The Director of the Criminal Justice Standards		
7	Division may a	llow additional breaks in a specific course delivery when the Director determines that doing so is		
8	necessary based	on circumstances related to a lawfully declared State of Emergency.		
9	(b) The radar i	instructor training course RADAR Instructor Training Course required for radar RADAR instructor		
10	certification sha	ll include the topic areas and minimum number of hours as outlined in the Radar RADAR Instructor		
11	Training Course	e. To qualify for radar <u>RADAR</u> instructor certification, an applicant shall meet the requirements as		
12	outlined in the	Radar RADAR Instructor Training Course and meet the requirements of 12 NCAC 09B .0408 and		
13	.0409.			
14	(c) Each application	ant for radar instructor training shall:		
15	(1)	Present the endorsement of a Commission-recognized school director or agency executive officer		
16		or his designee.		
17	(2)	Possess full criminal justice general instructor certification as required in 12 NCAC 09B .0302.		
18	(3)	Possess a current and valid radar operator certification.		
19	(d) The <del>"Radar</del>	" <u>RADAR</u> Instructor Training Course" as published by the North Carolina Justice Academy shall be		
20	applied as basic	c curriculum for the radar instructor training course for radar instructors as administered by the		
21	Commission. Co	opies of this publication may be inspected at the office of the agency:		
22		Criminal Justice Standards Division		
23		North Carolina Department of Justice		
24		<u>1700 Tryon Park Drive</u>		
25		114 West Edenton Street		
26		Old Education Building		
27		Post Office Drawer 149		
28		Raleigh, North Carolina 27602		
29		and may be obtained at cost from the Academy at the following address:		
30		North Carolina Justice Academy		
31		Post Office Box 99		
32		Salemburg, North Carolina 28385		
33	(e) Commission	n-certified schools that are certified to offer the "Radar Instructor Training Course" are: The North		
34	Carolina Justice Academy.			
35				
36	History Note:	Authority G.S. 17C-6;		
37		Eff. November 1, 1981;		

Readopted w/change Eff. July 1, 1982; 1

- 2 Amended Eff. January 1, 2006; April 1, 1999; November 1, 1998; August 1, 1995; July 1, 1989;
- 3 February 1, 1987; August 1, 1984;
- 4 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.
- 5



[Authority G.S. 150B-21.1]

OAH USE ONLY

**VOLUME:** 

1 Dela Mallaria Di di Ci di				
1. Rule-Making Agency: North Carolina	a Criminal Justice Education	Iraining and Standards Commission		
2. Rule citation & name: 12 NCAC 09	B .0211 TIME-DISTANCE	INSTRUCTOR TRAINING COURSE		
3. Action: Adoption	Amendment	Repeal		
4. Was this an Emergency Rule: Y				
5. Provide dates for the following action	ns as applicable:			
a. Proposed Temporary Rule submit	ted to OAH: September 7, 2	2021		
b. Proposed Temporary Rule publish	ed on the OAH website: Se	ptember 14, 2021		
c. Public Hearing date: October 25, 2	2021			
d. Comment Period: September 15, 2	2021-October 5, 2021			
e. Notice pursuant to G.S. 150B-21.1(	(a3)(2): 150B-21.1(a1)			
f. Adoption by agency on: October 2	8, 2021			
g. Proposed effective date of tempora and G.S. 150B-21.3]: November 30		ve date established by G.S. 150B- 21.1(b)		
h. Rule approved by RRC as a perma	anent rule [See G.S. 150B-2]	l.3(b2)]:		
6. Reason for Temporary Action. Atta	ch a copy of any cited law, r	egulation, or document necessary for the review.		
A serious and unforeseen threat The effective date of a recent act Cite: Effective date:				
A recent change in federal or sta	te budgetary policy.			
Effective date of change:				
Cite:				
Effective date:				
Cite order:				
State Medical Facilities Plan.				
Other:				
Justice Training Courses as need to ensure coordinate a response and enact protective a respiratory disease that can result in seve North Carolina Community Colleges and a and well-being of the staff, students, and c requirements set forth in the NCAC 12 091 officers and instructors' carry out their resp 2021. Criminal Justice Officers per code a	e the completion of training to e measures to help prevent the ere illness or death. Once an e agencies facilitate many of the community, training courses b B, 09C, and 09G impact the c pective professional duties. In the required to complete specifi- t loss of officers' certification	228, authorizing the extension of time to complete Criminal certify trainees, officers, and instructors. Also, to spread of COVID-19 and other variants. The COVID-19 is outbreak of the COVID-19 begins, it isn't easy to contain. e Criminal Justice Training Courses. To preserve the health egan to close for 2-3 weeks. Training closures exceeding the ompletion of training, certification of criminal justice addition, Executive Order No. 228 expired on October 27, fic training to maintain their certification. Failure to comply to serve their communities and enforce the law. To prepare ITS is pursuing rulemaking.		

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required? Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law.			
8. Rule establishes or increases a fee? (See G.S. 12-3.1)			
<ul> <li>Yes</li> <li>Agency submitted request for consultation on: Consultation not required. Cite authority:</li> </ul>			
🖾 No			
	/		
9. Rule-making Coordinator: Charminique D. Williams	10. Signature of Agency Head*:		
Phone: (919) 779-8206			
E-Mail: cdwilliams@ncdoj.gov	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with		
Agency contact, if any:	this form. Typed Name: Chris Blue		
Phone:	Title: Commission Chair		
E-Mail:	E-Mail: CBLUE@townofchapelhill.org		
RULES REVIEW COMMISSION USE ONLY			
Action taken:	Submitted for RRC Review:		
Date returned to agency:			
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12 NCAC 09B .0211 is proposed for amendment under temporary procedures as follows:

3	12 NCAC 09B	.0211 TIME-DISTANCE INSTRUCTOR TRAINING COURSE	
4	(a) The time d	istance instructor training course <u>Time-Distance Instructor Training Course</u> shall be designed to	
5	provide the train	ee with the skills and knowledge to proficiently perform the function of a time-distance-Time-Distance	
6	instructor. This o	course shall be for a period not to exceed eight consecutive weeks. The Director of the Criminal Justice	
7	Standards Division	ion may allow additional breaks in a specific course delivery when the Director determines that doing	
8	so is necessary b	pased on circumstances related to a lawfully declared State of Emergency.	
9	(b) Each appli	cant for the time distance speed measurement instrument instructor training course Time-Distance	
10	Instructor Traini	ing Course shall meet the requirements of 12 NCAC 09B .0210(c)(1) and (2) and 12 NCAC 09B .0309.	
11	The time distan	ce instructor training course Time-Distance Instructor Training Course required for time distance	
12	<u>Time-Distance</u> i	instructor certification shall include the topic areas and minimum number of hours as outlined in the	
13	Time-Distance	Instructor Training Course. To qualify for time distance Time-Distance instructor certification, an	
14	applicant shall	meet the requirements as outlined in the Time-Distance Instructor Training Course and meet the	
15	requirement of 1	12 NCAC 09B .0408 and .0409.	
16	(c) The "Time-	Distance Instructor Training Course" as published by the North Carolina Justice Academy shall be	
17	applied as basic	curriculum for the eriminal justice time distance speed measurement instrument instructor training	
18	course Time-Dis	stance Instructor Training Course for time distance Time-Distance speed measurement instructors as	
19	administered by	the Commission. Copies of this publication may be inspected at the office of the agency:	
20	Criminal Justice Standards Division		
21		North Carolina Department of Justice	
22		<u>1700 Tyron Park Drive</u>	
23		114 West Edenton Street	
24		Old Education Building	
25		Post Office Drawer 149	
26		Raleigh, North Carolina 27602	
27		and may be obtained at cost from the Academy at the following address:	
28		North Carolina Justice Academy	
29	Post Office Box 99		
30		Salemburg, North Carolina 28385	
31	(d) Commission	n-certified schools that are certified to offer the "Time Distance Instructor Training Course" are: The	
32	North Carolina	Justice Academy.	
33			
34	History Note:	Authority G.S. 17C-6;	
35		<i>Eff. November 1, 1981;</i>	
36		Readopted w/change Eff. July 1, 1982;	

1	Amended Eff. November 1, 2007; April 1, 1999; November 1, 1998; November 1, 1993; July 1,
2	1989; February 1, 1987; August 1, 1984;
3	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
4	2019.
5	
6	
7	
8	



[Authority G.S. 150B-21.1]

OAH USE ONLY
VOLUME:
ISSUE:

1. Rule-Making Agency: North Carolina Criminal Justice Education Training and Standards Commission				
2. Rule citation & name: 12 NCAC 09B .0212 CERTIFICATION TRAINING FOR RADAR OPERATORS				
		D.0212 CERTIFICATION 1	RAMING FOR RADAR OF LEATORS	- -
3. Action:	Adoption	🛛 Amendment	Repeal	
4. Was this an	Emergency Rule: 🔲 Y	es Effective date:		-
	N N	0		
5. Provide date	es for the following actio	ns as applicable:		1
a. Proposed	Temporary Rule submit	ted to OAH: September 7, 20	021	
b. Proposed	Temporary Rule publish	ed on the OAH website: Sep	otember 14, 2021	
c. Public Hea	aring date: October 25,	2021		
d. Comment	Period: September 15,	2021-October 5, 2021		
e. Notice pur	suant to G.S. 150B-21.1	(a3)(2): 150B-21.1(a1)		
f. Adoption b	by agency on: October 2	8, 2021		
g. Proposed ( and G.S. 1		ry rule {if other than effective	e date established by G.S. 150B- 21.1(b)	
h. Rule appr	oved by RRC as a perma	anent rule [See G.S. 150B-21.	3(b2)]:	
6. Reason for 7	Femporary Action. Atta	ch a copy of any cited law, re	egulation, or document necessary for the review.	
🛛 A seriou	us and unforeseen threat	to the public health, safety or	or welfare.	
The effe	ective date of a recent ac	t of the General Assembly or	of the U.S. Congress.	
Effectiv	/e date:			
	t change in federal or sta	ate budgetary policy.		
	/e date of change: t federal regulation.			
Cite:	- 1-4			
Effective date:				
Cite order:				
<b>Other:</b>	edical Facilities Plan.			
<b>Explain:</b> The Governor of North Carolina issued Executive Order No. 228, authorizing the extension of time to complete Criminal –Justice Training Courses as need to ensure the completion of training to certify trainees, officers, and instructors. Also, to coordinate a response and enact protective measures to help prevent the spread of COVID-19 and other variants. The COVID-19 is a respiratory disease that can result in severe illness or death. Once an outbreak of the COVID-19 begins, it isn't easy to contain. North Carolina Community Colleges and agencies facilitate many of the Criminal Justice Training Courses. To preserve the health and well-being of the staff, students, and community, training courses began to close for 2-3 weeks. Training closures exceeding the requirements set forth in the NCAC 12 09B, 09C, and 09G impact the completion of training, certification of criminal justice officers and instructors' carry out their respective professional duties. In addition, Executive Order No. 228 expired on October 27,				

officers and instructors' carry out their respective professional duties. In addition, Executive Order No. 228 expired on October 27, 2021. Criminal Justice Officers per code are required to complete specific training to maintain their certification. Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law. To prepare for any further potential unforeseen threat to public health or safety CJETS is pursuing rulemaking.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required? Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce					
the law.					
9 Dula antablishan ay inayangan a fac? (San C S 12 2 1)					
8. Rule establishes or increases a fee? (See G.S. 12-3.1)					
Yes           Agency submitted request for consultation on:           Consultation not required. Cite authority:					
🖾 No					
· · · · · · · · · · · · · · · · · · ·					
9. Rule-making Coordinator: Charminique D. Williams	10. Signature of Agency Heads:				
Phone: (919) 779-8206	CAL				
E-Mail: cdwilliams@ncdoj.gov	* If this function has been delegated (reassigned) pursuant				
	to G.S. 143B-10(a), submit a copy of the delegation with this form.				
Agency contact, if any:	Typed Name: Chris Blue				
Phone:					
E-Mail:	E-Mail: CBLUE@townofchapelhill.org				
RULES REVIEW COMMISSION USE ONL Action taken:	V Submitted for RRC Review:				
Data activities of the accuracy					
Date returned to agency:					

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12 NCAC 09B .0212 is proposed for amendment under temporary procedures as follows:

#### 3 12 NCAC 09B .0212 CERTIFICATION TRAINING FOR RADAR OPERATORS

4 (a) The radar operator training course <u>RADAR Operator Training Course</u> for law enforcement officers shall be

designed to provide the trainee with the skills and knowledge to proficiently perform the function of a law enforcement radar operator. This course shall be for a period not to exceed four consecutive weeks. The Director of the Criminal

7 Justice Standards Division may allow additional breaks in a specific course delivery when the Director determines

justice Standards Division may allow additional breaks in a specific course derivery when the Director determines

8 that doing so is necessary based on circumstances related to a lawfully declared State of Emergency.

9 (b) Only employed or appointed personnel of a law enforcement agency shall be enrolled in the radar operator training

10 course. <u>RADAR Operator Training Course.</u> Such a trainee shall not be certified as a radar <u>RADAR</u> operator until the

11 basic law enforcement training course has been successfully completed and probationary or general law enforcement

12 certification has been granted. Sheriffs, deputy sheriffs and federal law enforcement personnel, including but not

13 limited to armed forces personnel, shall be allowed to participate in the RADAR Operator Training Course radar

14 operator training courses on a space available basis at the discretion of the school director without having enrolled in

15 or having successfully completed the basic law enforcement training course and without being currently certified in a

16 probationary status or hold general law enforcement certification. The radar <u>RADAR</u> operator training course required

17 for radar <u>RADAR</u> operator certification shall include but not be limited to the topic areas and minimum number of

18 hours as outlined in the Radar RADAR Operator Training Course. To qualify for radar RADAR operator certification,

19 an applicant shall meet the minimum requirements as outlined in the Radar RADAR Operator Training Course and

20 meet the requirements of 12 NCAC 09B .0408 and .0409.

(c) The "Radar <u>RADAR</u> Operator Training Course" as published by the North Carolina Justice Academy is to be
 applied as basic curriculum for the radar operator training course <u>RADAR Operator Training Course</u> for radar
 operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:
 Criminal Justice Standards Division
 North Carolina Department of Justice

25		North Carolina Department of Justice
26		1700 Tryon Park Drive
27		114 West Edenton Street
28		Old Education Building
29		Post Office Drawer 149
30		Raleigh, North Carolina 27602
31		and may be obtained at cost from the Academy at the following address:
32		North Carolina Justice Academy
33		Post Office Box 99
34		Salemburg, North Carolina 28385
35		
36	History Note:	Authority G.S. 17C-6;
37		Eff. November 1, 1981;

1	Readopted w/change Eff. July 1, 1982;
2	Temporary Amendment Eff. February 24, 1984 for a period of 120 days to expire on June 22, 1984;
3	Amended Eff. April 1, 1999; November 1, 1998; August 1, 1995; February 1, 1991; July 1, 1989;
4	August 1, 1984;
5	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
6	2019.
7	
8	



[Authority G.S. 150B-21,1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agen	cy: North Carolina Cri	minal Justice Education Tr	aining and Standards Commission
	10 31014 0 005 04		
2. Rule citation & nan OPERATORS	1e: 12 NCAC 09B .02	<b>13 CERTIFICATION T</b>	RAINING FOR RADAR /TIME-DISTANCE
3. Action:	Adoption	🛛 Amendment	Repeal
4. Was this an Emerge	ency Rule: 🔲 Yes 🖾 No	Effective date:	
5. Provide dates for th	e following actions as	applicable:	
a. Proposed Tempor	ary Rule submitted to	o OAH: September 7, 20	21
b. Proposed Tempor	ary Rule published o	n the OAH website: Sept	tember 14, 2021
c. Public Hearing da	te: October 25, 2021		
d. Comment Period:	September 15, 2021-	-October 5, 2021	
e. Notice pursuant to	o G.S. 150B-21.1(a3)(2	2): 150B-21.1(a1)	
f. Adoption by agence	ey on: October 28, 20	21	
	e date of temporary ru 3]: November 30, 202		e date established by G.S. 150B- 21.1(b)
h. Rule approved by	RRC as a permanent	t rule [See G.S. 150B-21.3	3(b2)]:
6. Reason for Tempor:	ary Action. Attach a	copy of any cited law, rea	gulation, or document necessary for the review.
The effective da Cite:		ne public health, safety of he General Assembly or (	
Effective date:	e in federal or state b	udgetary policy.	
Effective date of	of change:		
A recent federa Cite:	l regulation.		
Effective date:			
A recent court order. Cite order:			
State Medical F	acilities Plan.		
Other:			
Justice Training Courses coordinate a response an a respiratory disease that North Carolina Commun and well-being of the sta requirements set forth in officers and instructors' of 2021, Criminal Justice C with the requirements re	s as need to ensure the old enact protective mean t can result in severe ill hity Colleges and agence off, students, and common the NCAC 12 09B, 09 carry out their respective Officers per code are reasonable in delayed or loss	completion of training to c sures to help prevent the s iness or death. Once an ou cies facilitate many of the nunity, training courses beg PC, and 09G impact the con- ve professional duties. In a quired to complete specific	28, authorizing the extension of time to complete Criminal ertify trainees, officers, and instructors. Also, to pread of COVID-19 and other variants. The COVID-19 is tubreak of the COVID-19 begins, it isn't easy to contain. Criminal Justice Training Courses. To preserve the health gan to close for 2-3 weeks. Training closures exceeding the mpletion of training, certification of criminal justice ddition, Executive Order No. 228 expired on October 27, training to maintain their certification. Failure to comply o serve their communities and enforce the law. To prepare S in surguing relevalting

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required? Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law.				
Yes Agency submitted request for consultation on:				
Consultation not required. Cite authority:	Consultation not required. Cite authority:			
9. Rule-making Coordinator: Charminique D. Williams	10. Signature of Agency Head*:			
Phone: (919) 779-8206 E-Mail: cdwilliams@ncdoj.gov	* If this function has been delegated (reassigned) pursuant			
	to G.S. 143B-10(a),-submit a copy of the delegation with this form.			
Agency contact, if any: Phone:	Typed Name: Chris Blue 			
E-Mail:	E-Mail: CBLUE@townofchapelhill.org			
	Submitted for RRC Review:			
Date returned to agency:				

i.

#### 12 NCAC 09B .0213 is proposed for amendment under temporary procedures as follows:

#### 3 12 NCAC 09B .0213 CERTIFICATION TRAINING FOR RADAR/TIME-DISTANCE OPERATORS

(a) The radar/time distance operator training course <u>RADAR/Time-Distance Operator Training Course</u> for law
enforcement officers shall be designed to provide the trainee with the skills and knowledge to proficiently perform the
function of a radar/time distance <u>RADAR/Time-Distance</u> operator. This course shall be for a period not to exceed
four consecutive weeks. The Director of the Criminal Justice Standards Division may allow additional breaks in a

8 specific course delivery when the Director determines that doing so is necessary based on circumstances related to a

9 <u>lawfully declared State of Emergency.</u>

10 (b) Only employed or appointed personnel of a law enforcement agency may be enrolled in the radar and time distance speed measurement instrument operator training course. RADAR/Time-Distance Operator Training 11 12 Course. Such a trainee shall not be certified as a radar and time-distance speed measurement instrument operator until 13 the basic law enforcement training course has been successfully completed and probationary or general law 14 enforcement certification has been granted. Sheriffs, deputy sheriffs, and federal law enforcement personnel, including 15 but not limited to armed forces personnel, shall be allowed to participate in radar and time distance speed measurement 16 instrument operator training courses RADAR/Time-Distance Operator Training Course on a space available basis at 17 the discretion of the school director without having enrolled in or having successfully completed the basic law 18 enforcement training course and without being currently certified in a probationary status or holding general law 19 enforcement certification. The radar/time distance operator training course RADAR/Time-Distance Operator 20 Training Course required for radar/time distance RADAR/Time-Distance operator certification shall include but not 21 be limited to the topic areas and minimum number of hours as outlined in the Radar/Time Distance RADAR/Time-22 Distance Operator Training Course. To qualify for radar/time-distance RADAR/Time-Distance operator certification, 23 an applicant shall meet the minimum requirements as outlined in the Radar/Time Distance RADAR/Time-Distance 24 Operator Training Course and meet the requirements of 12 NCAC 9B .0408 and .0409. 25 (c) The "Radar/Time Distance "RADAR/Time-Distance Operator Training Course" as published by the North

26 Carolina Justice Academy is to be applied as basic curriculum for the radar/time distance operator training course for

27 radar/time distance RADAR/Time-Distance instrument operators as administered by the Commission. Copies of this

28 publication may be inspected at the office of the agency:

29	Criminal Justice Standards Division
30	North Carolina Department of Justice
31	1700 Tyron Park Drive
32	114 West Edenton Street
33	Old Education Building
34	Post Office Drawer 149
35	Raleigh, North Carolina 27602
36	and may be obtained at cost from the Academy at the following address:
37	North Carolina Justice Academy

1		Post Office Box 99
2		Salemburg, North Carolina 28385
3		
4	History Note:	Authority G.S. 17C-6;
5		Eff. November 1, 1981;
6		Readopted w/change Eff. July 1, 1982;
7		Amended Eff. April 1, 1999; November 1, 1998; August 1, 1995; February 1, 1991; July 1, 1989;
8		August 1, 1984;
9		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
10		2019.
11		
12		



[Authority G.S. 150B-21.1]

OAH USE ONLY

**VOLUME:** 

1. Rule-Making Agency: North Carolin	na Criminal Justice Education T	raining and Standards Commission				
2 Puls sitution & names 12 NCAC A		TRAINING FOR TIME-DISTANCE OPERATORS				
2. Rule chatton & hame: 12 NCAC 0	9D,0214 CENTIFICATION 1	RAIMING FOR TIME-DISTANCE OPERATORS				
3. Action: Adoption	Amendment	Repeal				
4. Was this an Emergency Rule: ☐ Yes Effective date: ⊠ No						
5. Provide dates for the following acti	ons as applicable:					
a. Proposed Temporary Rule submi	tted to OAH: September 7, 20	021				
b. Proposed Temporary Rule publis	hed on the OAH website: Sep	itember 14, 2021				
c. Public Hearing date: October 25,	, 2021					
d. Comment Period: September 15,	2021-October 5, 2021					
e. Notice pursuant to G.S. 150B-21.1(a3)(2): 150B-21.1(a1)						
f. Adoption by agency on: September	er 3, 2021					
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: November 30, 2021						
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:						
6. Reason for Temporary Action. Att	ach a copy of any cited law, re	gulation, or document necessary for the review.				
<ul> <li>A serious and unforeseen threat to the public health, safety or welfare.</li> <li>The effective date of a recent act of the General Assembly or of the U.S. Congress.</li> <li>Cite:</li> <li>Effective date:</li> </ul>						
A recent change in federal or s	tate budgetary policy.					
Effective date of change: A recent federal regulation.						
Cite: Effective date:						
A recent court order.						
Cite order: State Medical Facilities Plan. Other:						
-Justice Training Courses as need to ensur coordinate a response and enact protectiv a respiratory disease that can result in sev North Carolina Community Colleges and and well-being of the staff, students, and requirements set forth in the NCAC 12 09 officers and instructors' carry out their re- 2021. Criminal Justice Officers per code	re the completion of training to a verification of training to a verification of the prevent the size vere illness or death. Once an or agencies facilitate many of the community, training courses be 9B, 09C, and 09G impact the co- spective professional duties. In a are required to complete specifi or loss of officers' certification t	28, authorizing the extension of time to complete Criminal certify trainees, officers, and instructors. Also, to spread of COVID-19 and other variants. The COVID-19 is utbreak of the COVID-19 begins, it isn't easy to contain. Criminal Justice Training Courses. To preserve the health egan to close for 2-3 weeks. Training closures exceeding the ompletion of training, certification of criminal justice addition, Executive Order No. 228 expired on October 27, ic training to maintain their certification. Failure to comply o serve their communities and enforce the law. To prepare TS is pursuing rulemaking.				

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required? Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law.			
<ul> <li>8. Rule establishes or increases a fee? (See G.S. 12-3.1)</li> <li>Yes <ul> <li>Agency submitted request for consultation on:</li> <li>Consultation not required. Cite authority:</li> </ul> </li> <li>No</li> </ul>			
9. Rule-making Coordinator: Charminique D. Williams Phone: (919) 779-8206			
E-Mail: cdwilliams@ncdoj.gov Agency contact, if any:	<ul> <li>* If this function has beefi-delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</li> <li>Typed Name: Chris Blue</li> </ul>		
Phone: E-Mail:			
	Y Submitted for RRC Review:		
Date returned to agency:			

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12 NCAC 09B .0214 is proposed for amendment under temporary procedures as follows:

#### 3 12 NCAC 09B .0214 CERTIFICATION TRAINING FOR TIME-DISTANCE OPERATORS

(a) The time distance operator training course <u>Time-Distance Operator Training Course</u> for law enforcement officers
 shall be designed to provide the trainee with the skills and knowledge to proficiently perform the function of a
 time distance <u>Time-Distance</u> operator. This course shall not exceed four consecutive weeks. <u>The Director of the</u>

7 Criminal Justice Standards Division may allow additional breaks in a specific course delivery when the Director

- 8 determines that doing so is necessary based on circumstances related to a lawfully declared State of Emergency.
- 9 (b) Only employed or appointed personnel of a law enforcement agency may be enrolled in the time distance speed

10 measurement operator training course. <u>Time-Distance Operator Training Course</u> Such a trainee shall not be certified

- 11 as a time-distance speed measurement operator until the basic law enforcement training course has been successfully
- 12 completed and probationary or general law enforcement certification has been granted. Sheriffs, deputy sheriffs, and
- 13 federal law enforcement personnel, including but not limited to armed forces personnel, shall be allowed to participate

14 in time distance speed measurement operator training courses the Time-Distance Operator Training Course on a space

15 available basis at the discretion of the school director without having enrolled in or having successfully completed the

16 basic law enforcement training course and without being currently certified in a probationary status or holding general

17 law enforcement certification. The time distance operator training course <u>Time-Distance Operator Training Course</u>

18 required for time distance <u>Time-Distance</u> operator certification shall include but not be limited to the topic areas and

19 minimum number of hours as outlined in the Time-Distance Operator Training Course. To qualify for time distance

20 <u>Time-Distance operator certification</u>, an applicant shall meet the minimum requirements as outlined in the Time-

21 Distance Operator Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.

(c) The "Time-Distance Operator Training Course" as published by the North Carolina Justice Academy is to be applied as basic curriculum for the time distance operator training course <u>Time-Distance Operator Training Course</u> for time distance <u>Time-Distance</u> operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

26	Criminal Justice Standards Division
27	North Carolina Department of Justice
28	<u>1700 Tryon Park Drive</u>
29	114 West Edenton Street
30	Old Education Building
31	Post Office Drawer 149
32	Raleigh, North Carolina 27602
33	and may be obtained at cost from the Academy at the following address:
34	North Carolina Justice Academy
35	Post Office Box 99
36	Salemburg, North Carolina 28385
37	

1	History Note:	Authority G.S. 17C-6;
2		Eff. November 1, 1981;
3		Readopted w/change Eff. July 1, 1982;
4		Amended Eff. April 1, 1999; November 1, 1998; August 1, 1995; February 1, 1991; July 1, 1989;
5		August 1, 1984;
6		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
7		2019.
8		
9		



[Authority G.S. 150B-21.1]

OAH USE ONLY

**VOLUME:** 

ISSUE:

1. Rule-Making Agency: North Carolina Criminal Justice Education Training and Standards Commission		
2. Rule citation & name: 12 NCAC 09B .0226 SPECIALIZED FIREARMS INSTRUCTOR TRAINING		
3. Action: Adoption Amendment Repeal		
4. Was this an Emergency Rule: Yes Effective date:		
5. Provide dates for the following actions as applicable:		
a. Proposed Temporary Rule submitted to OAH: September 7, 2021		
b. Proposed Temporary Rule published on the OAH website: September 14, 2021		
c. Public Hearing date: October 25, 2021		
d. Comment Period: September 15, 2021-October 5, 2021		
e. Notice pursuant to G.S. 150B-21.1(a3)(2): 150B-21.1(a1)		
f. Adoption by agency on: October 28, 2021		
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: November 30, 2021		
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:		
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.		
<ul> <li>A serious and unforeseen threat to the public health, safety or welfare.</li> <li>The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date:</li> </ul>		
A recent change in federal or state budgetary policy.		
Effective date of change:		
Cite:		
Effective date:		
Cite order:		
State Medical Facilities Plan. Other:		
<b>Explain:</b> The Governor of North Carolina issued Executive Order No. 228, authorizing the extension of time to complete Criminal Justice Training Courses as need to ensure the completion of training to certify trainees, officers, and instructors. Also, to coordinate a response and enact protective measures to help prevent the spread of COVID-19 and other variants. The COVID-19 is a respiratory disease that can result in severe illness or death. Once an outbreak of the COVID-19 begins, it isn't easy to contain. North Carolina Community Colleges and agencies facilitate many of the Criminal Justice Training Courses. To preserve the health and well-being of the staff, students, and community, training courses began to close for 2-3 weeks. Training closures exceeding the requirements set forth in the NCAC 12 09B, 09C, and 09G impact the completion of training, certification of criminal justice officers and instructors' carry out their respective professional duties. In addition, Executive Order No. 228 expired on October 27, 2021. Criminal Justice Officers per code are required to complete specific training to maintain their certification. Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law. To prepare		

for any further potential unforeseen threat to public health or safety CJETS is pursuing rulemaking.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required? Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce			
the law.			
	X.		
8. Rule establishes or increases a fee? (See G.S. 12-3.1)			
<ul> <li>Yes</li> <li>Agency submitted request for consultation on:</li> <li>Consultation not required. Cite authority:</li> </ul>			
No			
9. Rule-making Coordinator: Charminique D. Williams 10. Signature of Agency Head			
Phone: (919) 779-8206	$C_{2}$		
E-Mail: cdwilliams@ncdoj.gov	* If this function has been delegated (reassigned) pursuant		
	to G.S. 143B-10(a), submit a copy of the delegation with this form.		
Agency contact, if any:	Typed Name: Chris Blue		
Phone:	Title: Commission Chair		
E-Mail:	E-Mail: CBLUE@townofchapelhill.org		
RULES REVIEW COMMISSION USE ONI			
Action taken:	Submitted for RRC Review:		
Date returned to agency:			

12 NCAC 09B .0226 is proposed for amendment under temporary procedures as follows:

3 12 NCAC 09B .0226 SPECIALIZED FIREARMS INSTRUCTOR TRAINING 4 (a) The instructor training course for Specialized Firearms Instructor Training Certification shall consist of a minimum 5 of 50 hours of classroom and range instruction plus time required to complete the tasks associated with Range 6 Operations presented during a continuous period of not more than two weeks. The Director of the Criminal Justice 7 Standards Division may allow additional breaks in a specific course delivery when the Director determines that doing 8 so is necessary based on circumstances related to a lawfully declared State of Emergency. 9 (b) Each Specialized Firearms Instructor Training course shall be designed to provide the trainee with the skills and 10 knowledge to perform the function of a criminal justice firearms instructor in a Basic Law Enforcement Training 11 (BLET) Course or a law enforcement officer in-service firearms training program. 12 (c) Each applicant for specialized firearms instructor training shall: 13 (1)have completed the criminal justice instructor training course; 14 (2)present a written endorsement by either 15 a certified school director indicating the student may be utilized to instruct firearms in the (A) 16 Basic Law Enforcement Training Course; or 17 **(B)** a department head, certified school director, or in-service training coordinator, indicating 18 the student may be utilized to instruct firearms in a law enforcement officer in-service 19 firearms training program; and 20 (3)Once within 365 days prior to enrollment each prospective student shall demonstrate proficiency 21 during a qualification administered by the North Carolina Justice Academy. To successfully 22 complete this qualification each prospective student shall achieve a minimum score of 92 percent 2 23 out of 3 times on both the BLET Day and Night Courses of Fire while using a 'Sam Browne' type 24 belt and security holster and agency-issued duty or ballistic-equivalent ammunition, 25 (d) Each Specialized Firearms Instructor Training course shall include the following identified topic areas and 26 minimum instructional hours for each area: 27 (1)Orientation/Pretest 2 Hours 28 (2) **Range Operations** 2 Hours 29 (3) Civil Liability 4 Hours Night Firing 30 (4)2 Hours 31 (5)Combat Shooting Classroom and Range 8 Hours 32 Mental Conditioning 1 Hours (6) 33 (7)Shotgun Operation and Firing 4 Hours 34 8 Hours (8) Service Handgun - Operation and Use 35 (9) Rifle - Operation and Maintenance 4 Hours (10)2 Hours 36 Service Handgun - Maintenance and Cleaning 37 (11)**Range Medical Emergencies** 2 Hours

1	(12)	In-Service Firearms Requirements	2 Hours
2	(13) BLET Lesson Plan Review 1 Hour		1 Hour
3	(14) Range Drills as defined in the Specialized Firearms Instructor		pr
4	Training Manual and the Specialized Firearms Instructor Training		
5	Course Management Guide 8 Hours		
6	(15) Completion of tasks associated with Range Operations. Completion of tasks associated w		Completion of tasks associated with
7	Instructor Practicums hours determined by number of students and instructors:		
8		(A) Conduct a BLET Day Course of Fire	
9	(B) Conduct a BLET Night Course of Fire		
10		(C) Conduct a Long Gun Course of Fire	
11		(D) Develop a Combat Course of Fire	
12	(e) The "Specia	lized Firearms Instructor Training Manual" published by the	North Carolina Justice Academy shall
13	be the curriculur	n for the Specialized Firearms Instructor Training course. Copi	es of this publication may be inspected
14	at the:		
15	Criminal Justice Standards Division		
16	North Carolina Department of Justice		
17	1700 Tryon Park Drive		
18	Post Office Drawer 149		
19	Raleigh, North Carolina 27610		
20	and may be obtained at the cost of printing and postage from the Academy at the following address:		
21	North Carolina Justice Academy		
22	Post Office Box 99		
23	Salemburg, North Carolina 28385		
24	(f) The Commission-certified school that is certified to offer the "Specialized Firearms Instructor Training" course is		
25	the North Caroli	na Justice Academy.	
26			
27	History Note: Authority G.S. 17C-6;		
28	Eff. May 1, 1986;		
29	Amended Eff. January 1, 2015; February 1, 2013; August 1, 2006; August 1, 2000; November 1,		
30	1998; August 1, 1995; February 1, 1991; March 1, 1990; July 1, 1989;		ly 1, 1989;
31		Pursuant to G.S. 150B-21.3A, rule is necessary without su	bstantive public interest Eff. May 25,
32		2019;	
33		Amended Eff. January 1, 2021.	
34			
35			



[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Criminal Justice Education Training and Standards Commission
2. Rule citation & name: 12 NCAC 09B .0232 SPECIALIZED SUBJECT CONTROL ARREST TECHNIQUES
INSTRUCTOR TRAINING
3. Action: Adoption Amendment Repeal
4. Was this an Emergency Rule: Yes Effective date:
5. Provide dates for the following actions as applicable:
a. Proposed Temporary Rule submitted to OAH: September 7, 2021
b. Proposed Temporary Rule published on the OAH website: September 14, 2021
c. Public Hearing date: October 25, 2021
d. Comment Period: September 15, 2021-October 5, 2021
e. Notice pursuant to G.S. 150B-21.1(a3)(2): 150B-21.1(a1)
f. Adoption by agency on: October 28, 2021
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: November 30, 2021
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.
<ul> <li>A serious and unforeseen threat to the public health, safety or welfare.</li> <li>The effective date of a recent act of the General Assembly or of the U.S. Congress.</li> <li>Cite:</li> <li>Effective date:</li> </ul>
A recent change in federal or state budgetary policy.
Effective date of change:          A recent federal regulation.         Cite:
Effective date:
L A recent court order. Cite order:
<ul> <li>State Medical Facilities Plan.</li> <li>Other:</li> </ul>
<b>Explain:</b> The Governor of North Carolina issued Executive Order No. 228, authorizing the extension of time to complete Criminal Justice Training Courses as need to ensure the completion of training to certify trainees, officers, and instructors. Also, to coordinate a response and enact protective measures to help prevent the spread of COVID-19 and other variants. The COVID-19 is a respiratory disease that can result in severe illness or death. Once an outbreak of the COVID-19 begins, it isn't easy to contain. North Carolina Community Colleges and agencies facilitate many of the Criminal Justice Training Courses. To preserve the health and well-being of the staff, students, and community, training courses began to close for 2-3 weeks. Training closures exceeding the requirements set forth in the NCAC 12 09B, 09C, and 09G impact the completion of training, certification of criminal justice officers and instructors' carry out their respective professional duties. In addition, Executive Order No. 228 expired on October 27, 2021. Criminal Justice Officers per code are required to complete specific training to maintain their certification. Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law. To prepare

for any further potential unforeseen threat to public health or safety CJETS is pursuing rulemaking.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the		
rule is required? Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce		
the law.		
	· ·	
· · · · · · · · · · · · · · · · · · ·		
8. Rule establishes or increases a fee? (See G.S. 12-3.1)		
Yes         Agency submitted request for consultation on:		
Consultation not required. Cite authority:		
No No		
	$\bigcirc$	
9. Rule-making Coordinator: Charminique D. Williams	10. Signature of Agency Head*:	
Phone: (919) 779-8206		
E-Mail: cdwilliams@ncdoj.gov	* If this function has been delegated (reassigned) pursuant	
	to G.S. 143B-10(a), submit a copy of the delegation with	
1	this form.	
Agency contact, if any:	this form. Typed Name: Chris Blue	
Agency contact, if any: Phone:		
_Phone:	Typed Name: Chris Blue         Title: Commission Chair	
Phone: E-Mail:	Typed Name: Chris Blue         Title: Commission Chair         E-Mail: CBLUE@townofchapelhill.org	
Phone: E-Mail: RULES REVIEW COMMISSION USE ONLY	Typed Name: Chris Blue         Title: Commission Chair         E-Mail: CBLUE@townofchapelhill.org	
Phone: E-Mail: RULES REVIEW COMMISSION USE ONLY	Typed Name: Chris Blue         Title: Commission Chair         E-Mail: CBLUE@townofchapelhill.org	
Phone: E-Mail: RULES REVIEW COMMISSION USE ONLY Action taken:	Typed Name: Chris Blue         Title: Commission Chair         E-Mail: CBLUE@townofchapelhill.org	
Phone: E-Mail: RULES REVIEW COMMISSION USE ONLY Action taken:	Typed Name: Chris Blue         Title: Commission Chair         E-Mail: CBLUE@townofchapelhill.org         Submitted for RRC Review:	
Phone: E-Mail: RULES REVIEW COMMISSION USE ONLY Action taken:	Typed Name: Chris Blue         Title: Commission Chair         E-Mail: CBLUE@townofchapelhill.org         Submitted for RRC Review:	
Phone: E-Mail: RULES REVIEW COMMISSION USE ONLY Action taken:	Typed Name: Chris Blue         Title: Commission Chair         E-Mail: CBLUE@townofchapelhill.org         Submitted for RRC Review:	
Phone: E-Mail: RULES REVIEW COMMISSION USE ONLY Action taken:	Typed Name: Chris Blue         Title: Commission Chair         E-Mail: CBLUE@townofchapelhill.org         Submitted for RRC Review:	
Phone: E-Mail: RULES REVIEW COMMISSION USE ONLY Action taken:	Typed Name: Chris Blue         Title: Commission Chair         E-Mail: CBLUE@townofchapelhill.org         Submitted for RRC Review:	

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1 12 NCAC 09B .0232 is proposed for amendment under temporary procedures as follows:

# 3 12 NCAC 09B.0232 SPECIALIZED SUBJECT CONTROL ARREST TECHNIQUES INSTRUCTOR 4 TRAINING

5 (a) The instructor training course required for Specialized Subject Control Arrest Techniques Instructor Certification 6 shall consist of a minimum of 29 hours of classroom instruction plus time required to complete the tasks associated 7 with Subject Control Arrest Techniques Instructional Methods and Demonstration presented during a continuous 8 period of not more than two weeks. The Director of the Criminal Justice Standards Division may allow additional 9 breaks in a specific course delivery when the Director determines that doing so is necessary based on circumstances 10 related to a lawfully declared State of Emergency. 11 (b) Each Specialized Subject Control Arrest Techniques Instructor Training course shall be designed to provide the 12 trainee with the skills and knowledge to perform the function of a criminal justice Specialized Subject Control Arrest 13 Techniques Instructor in a Basic Law Enforcement Training Course or a Law Enforcement Officers' Annual In-Service 14 Training Program. 15 (c) Each applicant for Specialized Subject Control Arrest Techniques Instructor Training shall: 16 (1)have completed the Criminal Justice Instructor Training course; 17 (2)present a letter from a licensed physician stating the applicant's physical fitness to participate in the 18 course; 19 present a written endorsement by either (3)20 (A) a certified School Director indicating the student is qualified to instruct subject control 21 arrest techniques in Basic Law Enforcement Training Courses; or 22 (B) a Department Head, certified School Director, or In-Service Training Coordinator 23 indicating the student may be utilized to instruct subject control arrest techniques for the Law Enforcement Officers' Annual In-Service Training program; and 24 25 (4)Within 365 days prior to enrollment in the Subject Control Arrest Techniques Instructor Training 26 course the prospective student shall complete the following assessments administered by the North 27 Carolina Justice Academy: 28 (A) a qualification requiring the individual to demonstrate 100 percent proficiency on the Basic 29 Law Enforcement Training Subject Control Arrest Techniques; and achieve at least the 60<sup>th</sup> percentile on a physical fitness assessment. 30 (B) 31 (d) Each Specialized Subject Control Arrest Techniques Instructor Training course shall include the following 32 identified topic areas and minimum instructional hours for each area: 33 1 Hour (1)Orientation 34 (2)Response to Injury 4 Hours 35 (3) **Combat Conditioning** 4 Hours (4) 2 Hours 36 Safety Guidelines/Rules 37 (5) Fundamentals of Professional Liability 4 Hours

1	(6)	Practical Skills Enhancement	4 Hours
2	(7)	Student Instructional Practicum	6 Hours
3 (8) BLET Lesson Plan Review 4 Hours		4 Hours	
4	(9)	Completion of tasks associated with Subject Control Arrest Techn	iques Instructional Methods and
5		Demonstrations. The number of hours required to complete this p	ortion of the curriculum shall be
6		based on the number of enrolled students, available facilities, and	number of instructors.
7	(e) The "Speci	alized Subject Control Arrest Techniques Instructor Training Mar	ual" as published by the North
8	Carolina Justice	Academy shall be the curriculum for the Specialized Subject Cont	rol Arrest Techniques Instructor
9	Training course.	Copies of this publication may be inspected at the:	
10		Criminal Justice Standards Division	
11		North Carolina Department of Justice	
12		1700 Tryon Park Drive	
13	Post Office Drawer 149		
14	Raleigh, North Carolina 27610		
15	5 and may be obtained at the cost of printing and postage from the Academy at the following address:		
16	North Carolina Justice Academy		
17		Post Office Box 99	
18		Salemburg, North Carolina 28385	
19	(f) The Comm	ission-certified school that is certified to offer the "Specialized Sul	oject Control Arrest Techniques
20	Instructor Traini	ing" course is the North Carolina Justice Academy.	
21			
22	History Note:	Authority G.S. 17C-6;	
23		Eff. February 1, 1987;	
24		Amended Eff. February 1, 2016; January 1, 2015; February 1, 201	3; December 1, 2009; August 1,
25		2006; August 1, 2000; November 1, 1998; August 1, 1995; March	1, 1990; July 1, 1989;
26		Pursuant to G.S. 150B-21.3A, rule is necessary without substant	tive public interest Eff. May 25,
27		2019;	
28		Amended Eff. January 1, 2021.	
29			
30			



[Authority G.S. 150B-21.1]

OAH USE ONLY

**VOLUME:** 

**ISSUE:** 

1. Rule-Making Agency: North Carolina Criminal Justice Education Training and Standards Commission		
2. Rule citation & name: 12 NCAC 09B .0233 SPECIALIZED PHYSICAL FITNESS INSTRUCTOR TRAINING		
3. Action: Adoption Amendment Repeal		
4. Was this an Emergency Rule:       □ Yes       Effective date: October 28, 2021         ☑ No       ☑		
5. Provide dates for the following actions as applicable:		
a. Proposed Temporary Rule submitted to OAH: September 7, 2021		
b. Proposed Temporary Rule published on the OAH website: September 14, 2021		
c. Public Hearing date: October 25, 2021		
d. Comment Period: September 15, 2021-October 5, 2021		
e. Notice pursuant to G.S. 150B-21.1(a3)(2): 150B-21.1(a1)		
f. Adoption by agency on: October 28, 2021		
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: November 30, 2021		
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:		
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.		
<ul> <li>A serious and unforeseen threat to the public health, safety or welfare.</li> <li>The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date:</li> <li>A recent change in federal or state budgetary policy. Effective date of change:</li> <li>A recent federal regulation.</li> </ul>		
Cite: Effective date:		
<ul> <li>A recent court order.</li> <li>Cite order:</li> <li>State Medical Facilities Plan.</li> <li>Other:</li> </ul>		
<b>Explain:</b> The Governor of North Carolina issued Executive Order No. 228, authorizing the extension of time to complete Criminal Justice Training Courses as need to ensure the completion of training to certify trainees, officers, and instructors. Also, to coordinate a response and enact protective measures to help prevent the spread of COVID-19 and other variants. The COVID-19 is a respiratory disease that can result in severe illness or death. Once an outbreak of the COVID-19 begins, it isn't easy to contain. North Carolina Community Colleges and agencies facilitate many of the Criminal Justice Training Courses. To preserve the health and well-being of the staff, students, and community, training courses began to close for 2-3 weeks. Training closures exceeding the requirements set forth in the NCAC 12 09B, 09C, and 09G impact the completion of training, certification of criminal justice officers and instructors' carry out their respective professional duties. In addition, Executive Order No. 228 expired on October 27, 2021. Criminal Justice Officers per code are required to complete specific training to maintain their certification. Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law. To prepare for any further potential unforeseen threat to public health or safety CJETS is pursuing rulemaking.		

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required? Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law.		
<ul> <li>8. Rule establishes or increases a fee? (See G.S. 12-3.1)</li> <li>Yes <ul> <li>Agency submitted request for consultation on:</li> <li>Consultation not required. Cite authority:</li> </ul> </li> <li>No</li> </ul>		
9. Rule-making Coordinator: Charminique D. Williams Phone: (919) 779-8206	10. Signature of Agency Head*.	
E-Mail: cdwilliams@ncdoj.gov	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.	
Agency contact, if any:	Typed Name: Chris Blue	
Phone;	Title:_Commission_Chair	
E-Mail:	E-Mail: CBLUE@townofchapelhill.org	
RULES REVIEW COMMISSION USE ONL Action taken:	Y Submitted for RRC Review:	
Date returned to agency:		

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3	12 NCAC 09B .(	0233	SPECIALIZED PHYSICAL FITNESS INSTRUCTOR TRAINING	G	
4	(a) The instructo	or training	g course required for Specialized Physical Fitness Instructor Certification	on shall consist of a	
5	minimum of 47 hours of classroom and field instruction, plus the tasks associated with Physical Fitness Assessments,				
6	Exercise Programs, and Instructional Methods, presented during a continuous period of not more than two weeks.				
7	The Director of the Criminal Justice Standards Division may allow additional breaks in a specific course delivery				
8	when the Directo	or determ	ines that doing so is necessary based on circumstances related to a law	fully declared State	
9	of Emergency.				
10	(b) Each Specia	lized Phy	ysical Fitness Instructor Training course shall be designed to provide t	he trainee with the	
11	skills and know	ledge to	perform the function of a criminal justice physical fitness instructor	or in a Basic Law	
12	Enforcement Tra	ining Co	urse or a Law Enforcement Officers' Annual In-Service Training Progra	m.	
13	(c) Each applicat	nt for spe	ecialized physical fitness training shall:		
14	(1)	qualify	through one of the following three options:		
15		(A)	have completed the criminal justice general instructor training course;		
16		(B)	hold a current and valid North Carolina Teacher's Certificate, hold a ba	accalaureate degree	
17			in physical education, and be teaching in physical education topics; or		
18		(C)	be presently instructing physical education topics in a community of	college, college, or	
19			university and possess a baccalaureate degree in physical education;		
20	(2)	present	a written endorsement by either:		
21		(A)	a certified School Director indicating the student may be utilized to instr	ruct physical fitness	
22			in Basic Law Enforcement Training Courses; or		
23		(B)	a certified School Director, or In-Service Training Coordinator indicati	ng the student may	
24			be utilized to instruct physical fitness for the Law Enforcement C	Officers' In-Service	
25			Training Program;		
26	(3)	present	a letter from a physician stating fitness to participate in the course; and		
27	(4)	Within	365 days prior to enrollment complete a qualification administered by	the North Carolina	
28		Justice 2	Academy requiring the individual to:		
29		(A)	complete Scenario #1 of the Police Officer Physical Abilities Test (Police Physical Abilities Test)	OPAT) in no more	
30			than six minutes;		
31		(B)	complete Scenario #2 of the POPAT in no more than three minutes; an	d	
32		(C)	complete a physical fitness assessment achieve at a minimum percentil	e score of 60.	
33	(d) Each Special	ized Phy	sical Fitness Instructor Training course shall include the following identi	fied topic areas and	
34	4 minimum instructional hours for each area:				
35	(1)	Orienta	tion	1 Hour	
36	(2)	Physica	l Fitness Sessions	6 Hours	
37	(3)	Physica	l Fitness Assessments, Exercise Programs, and Instructional Methods	14 Hours	

1	(4)	Injury Care and Prevention	4 Hours		
2	(5) Nutrition 7 Hours				
3	(6) Civil Liability 3 Hours				
4	(7)CVD Risk Factors3 Hours				
5	(8)	Developing In-Service Wellness Programs and Validating Fitness Standards	4 Hours		
6	(9)	Lesson Plan Review	2 Hours		
7	(10)	Exercise Leadership	3 Hours		
8	(11)	Completion of tasks associated with Physical Fitness Assessments, Exercise	cise Programs, and		
9		Instructional Methods. The number of hours required to complete this portio	n of the curriculum		
10		shall be determined by number of students, number of instructors, and available	e facilities.		
11	(e) The "Physic	cal Fitness Instructor Training Manual" as published by the North Carolina Justic	e Academy shall be		
12	the curriculum	for specialized physical fitness instructor training courses. Copies of this publication	on may be inspected		
13	at the:				
14		Criminal Justice Standards Division			
15		North Carolina Department of Justice			
16		1700 Tryon Park Drive			
17		Post Office Drawer 149			
18	Raleigh, North Carolina 27610				
19	and may be obtained at the cost of printing and postage from the Academy at the following address:				
20	North Carolina Justice Academy				
21	Post Office Box 99				
22		Salemburg, North Carolina 28385			
23	(f) The Commission-certified school that is certified to offer the "Specialized Physical Fitness Instructor Training"				
24	course is the No	orth Carolina Justice Academy.			
25					
26	History Note:	Authority G.S. 17C-6;			
27		Eff. July 1, 1989;			
28		Amended Eff. February 1, 2016; January 1, 2015; February 1, 2013; Decembe	er 1, 2009; August 1,		
29		2006; August 1, 2002; August 1, 2000; November 1, 1998; March 1, 1990; Aug	gust 1, 1985.		
30		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public in	nterest Eff. May 25,		
31		2019;			
32		Amended Eff. January 1, 2021.			
33					
34					



[Authority G.S. 150B-21.1]

<u>OAH USE ONLY</u> VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Criminal Justice Education Training and Standards Commission
2. Rule citation & name: 12 NCAC 09B .0237 LIDAR INSTRUCTOR TRAINING COURSE
2. Kule chanon & name: 12 NCAC 09B .0237 LIDAR INSTRUCTOR TRAINING COURSE
3. Action: Adoption Amendment Repeal
4. Was this an Emergency Rule: Yes Effective date:
5. Provide dates for the following actions as applicable:
a. Proposed Temporary Rule submitted to OAH: September 7, 2021
b. Proposed Temporary Rule published on the OAH website: September 14, 2021
c. Public Hearing date: October 25, 2021
d. Comment Period: September 15, 2021-October 5, 2021
e. Notice pursuant to G.S. 150B-21.1(a3)(2): 150B-21.1(a1)
f. Adoption by agency on: October 28, 2021
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: November 30, 2021
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.
<ul> <li>A serious and unforeseen threat to the public health, safety or welfare.</li> <li>The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date:</li> </ul>
A recent change in federal or state budgetary policy.
Effective date of change: A recent federal regulation. Cite:
Effective date:          A recent court order.         Cite order:         State Medical Facilities Plan.         Other:
<b>Explain:</b> The Governor of North Carolina issued Executive Order No. 228, authorizing the extension of time to complete Criminal –Justice Training Courses as need to ensure the completion of training to certify trainees, officers, and instructors. Also, to coordinate a response and enact protective measures to help prevent the spread of COVID-19 and other variants. The COVID-19 is a respiratory disease that can result in severe illness or death. Once an outbreak of the COVID-19 begins, it isn't easy to contain. North Carolina Community Colleges and agencies facilitate many of the Criminal Justice Training Courses. To preserve the health and well-being of the staff, students, and community, training courses began to close for 2-3 weeks. Training closures exceeding the requirements set forth in the NCAC 12 09B, 09C, and 09G impact the completion of training, certification of criminal justice officers and instructors' carry out their respective professional duties. In addition, Executive Order No. 228 expired on October 27, 2021. Criminal Justice Officers per code are required to complete specific training to maintain their certification. Failure to comply

with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law. To prepare

for any further potential unforeseen threat to public health or safety CJETS is pursuing rulemaking,

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required? Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law.				
8. Rule establishes or increases a fee? (See G.S. 12-3.1)				
Yes Agency submitted request for consultation on: Consultation not required. Cite authority:	Yes Agency submitted request for consultation on:			
Consultation not required. Cite authority:				
No				
9. Rule-making Coordinator: Charminique D. Williams	10. Signature of Agency Head*:			
Phone: (919) 779-8206				
E-Mail: cdwilliams@ncdoj.gov	* If this function has been delegated (reassigned) pursuant			
	to G.S. 143B-10(a), submit a copy of the delegation with this form.			
Agency contact, if any:	Typed Name: Chris Blue			
Phone;	Title:-Commission-Chair			
E-Mail:	E-Mail: CBLUE@townofchapelhill.org			
RULES REVIEW COMMISSION USE ONL Action taken:	Y Submitted for RRC Review:			
Date returned to agency:				

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- 12 NCAC 09B .0237 is proposed for amendment under temporary procedures as follows:
- 2
  - 12 NCAC 09B .0237 LIDAR INSTRUCTOR TRAINING COURSE
- 4 (a) The Lidar LIDAR Instructor Training Course shall be designed to provide the trainee with the skills and knowledge
- 5 to proficiently perform the function of a lidar LIDAR instructor. This course shall be for a period not to exceed six
- 6 consecutive weeks. The Director of the Criminal Justice Standards Division may allow additional breaks in a specific
- 7 <u>course delivery when the Director determines that doing so is necessary based on circumstances related to a lawfully</u>
- 8 <u>declared State of Emergency.</u>
- 9 (b) The Lidar LIDAR Instructor Training Course required for lidar LIDAR instructor certification shall include the
- 10 topic areas and number of hours as outlined in the Lidar LIDAR Instructor Training Course. To qualify for lidar
- 11 <u>LIDAR</u> instructor certification, an applicant shall meet the requirements as outlined in The Lidar LIDAR Instructor
- 12 Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.
- 13 (c) Each applicant for lidar LIDAR instructor training shall:
- 14 (1) Present the endorsement of a Commission-recognized school director or agency executive officer
   15 or his designee.
- 16 (2) Possess full criminal justice General Instructor Certification as required in 12 NCAC 09B .0302.
- 17 (3) Possess a current and valid lidar <u>LIDAR</u> operator certification.
- 18 (d) The "Lidar "LIDAR Instructor Training Course" as published by the North Carolina Justice Academy shall be
- 19 applied as basic curriculum for the lidar instructor training course LIDAR Instructor Training Course for lidar LIDAR
- 20 instructors as administered by the Commission. Copies of this publication may be inspected at the office of the agency:
- 21 Criminal Justice Standards Division
  - North Carolina Department of Justice
- 23
   <u>1700 Tryon Park Drive</u>

   24
   <del>114 West Edenton Street</del>
  - Old Education Building
- 26 Post Office Drawer 149
  - Raleigh, North Carolina 27602
  - and may be obtained at cost from the Academy at the following address:
  - North Carolina Justice Academy
    - Post Office Box 99
    - Salemburg, North Carolina 28385
- 32 (e) Commission-certified schools that are certified to offer the Lidar LIDAR Instructor Training Course are: The
- 33 North Carolina Justice Academy.
- 34
  35 *History Note:* Authority G.S. 17C-6;
  36 *Eff. May 1, 2004;*37 *Amended Eff. November 1, 2007;*

- Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
   2019.
   3
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[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Criminal Justice Education Training and Standards Commission
2. Rule citation & name: 12 NCAC 09B .0238 CERTIFICATION TRAINING FOR LIDAR OPERATORS
3. Action: Adoption Amendment Repeal
4. Was this an Emergency Rule:   Yes   Effective date:     Image: No   Image: Section of the se
5. Provide dates for the following actions as applicable:
a. Proposed Temporary Rule submitted to OAH: September 7, 2021
b. Proposed Temporary Rule published on the OAH website: September 14, 2021
c. Public Hearing date: October 25, 2021
d. Comment Period: September 15, 2021-October 5, 2021
e. Notice pursuant to G.S. 150B-21.1(a3)(2): 150B-21.1(a1)
f. Adoption by agency on: October 28, 2021
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: November 30, 2021
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.
<ul> <li>A serious and unforeseen threat to the public health, safety or welfare.</li> <li>The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date:</li> </ul>
A recent change in federal or state budgetary policy. Effective date of change:
A recent federal regulation.
Cite: Effective date:
A recent court order. Cite order:
State Medical Facilities Plan.         Other:
<b>Explain:</b> The Governor of North Carolina issued Executive Order No. 228, authorizing the extension of time to complete Criminal Justice Training Courses as need to ensure the completion of training to certify trainees, officers, and instructors. Also, to coordinate a response and enact protective measures to help prevent the spread of COVID-19 and other variants. The COVID-19 is a respiratory disease that can result in severe illness or death. Once an outbreak of the COVID-19 begins, it isn't easy to contain. North Carolina Community Colleges and agencies facilitate many of the Criminal Justice Training Courses. To preserve the health and well-being of the staff, students, and community, training courses began to close for 2-3 weeks. Training closures exceeding the requirements set forth in the NCAC 12 09B, 09C, and 09G impact the completion of training, certification of criminal justice officers and instructors' carry out their respective professional duties. In addition, Executive Order No. 228 expired on October 27, 2021. Criminal Justice Officers per code are required to complete specific training to maintain their certification. Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law. To prepare

for any further potential unforeseen threat to public health or safety CJETS is pursuing rulemaking.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required? Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law.			
8 Rule establishes or increases a fee? (See C S 12.3.1)			
<ul> <li>8. Rule establishes or increases a fee? (See G.S. 12-3.1)</li> <li>Yes <ul> <li>Agency submitted request for consultation on:</li> <li>Consultation not required. Cite authority:</li> </ul> </li> </ul>			
<ul> <li>No</li> <li>9. Rule-making Coordinator: Charminique D. Williams</li> <li>Phone: (919) 779-8206</li> </ul>	10. Signature of Ageney Head*:		
E-Mail: cdwilliams@ncdoj.gov	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.		
Agency contact, if any: Phone:	Typed Name: Chris Blue Title: Commission Chair		
E-Mail:	E-Mail: CBLUE@townofchapelhill.org		
RULES REVIEW COMMISSION USE ONL Action taken:	X: Submitted for RRC Review:		
Date returned to agency:			

12 NCAC 09B .0238 is proposed for amendment under temporary procedures as follows:

3 12 NCAC 09B .0238 **CERTIFICATION TRAINING FOR LIDAR OPERATORS** 4 (a) The Lidar LIDAR Operator Training Course for law enforcement officers shall be designed to provide the trainee 5 with the skills and knowledge to proficiently perform the function of a law enforcement lidar LIDAR operator. This 6 course shall be for a period not to exceed four consecutive weeks. The Director of the Criminal Justice Standards 7 Division may allow additional breaks in a specific course delivery when the Director determines that doing so is 8 necessary based on circumstances related to a lawfully declared State of Emergency. 9 (b) Only employed or appointed personnel of a law enforcement agency shall be enrolled in the Lidar-LIDAR Operator 10 Training Course. Such a trainee shall not be certified as a lidar LIDAR operator until the Basic Law Enforcement 11 Training Course has been successfully completed and probationary or general law enforcement certification has been 12 granted. Sheriffs, deputy sheriffs and federal law enforcement personnel, including armed forces personnel, shall be 13 allowed to participate in lidar operator training courses the LIDAR Operator Training Course on a space available 14 basis at the discretion of the school director without having enrolled in or having successfully completed the Basic 15 Law Enforcement Training Course and without being currently certified in a probationary status or holding general 16 law enforcement certification. The Lidar LIDAR Operator Training Course required for lidar LIDAR operator 17 certification shall include the topic areas and number of hours as outlined in the Lidar LIDAR Operator Training 18 Course. To qualify for lidar LIDAR operator certification, an applicant shall meet the requirements as outlined in the 19 Lidar LIDAR Operator Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409. 20 (c) The "Lidar LIDAR Operator Training Course" as published by the North Carolina Justice Academy shall be 21 applied as basic curriculum for the Lidar LIDAR Operator Training Course for lidar LIDAR operators as administered 22 by the Commission. Copies of this publication may be inspected at the office of the agency: 23 Criminal Justice Standards Division 24 North Carolina Department of Justice 25 1700 Tyron Park Drive 26 114 West Edenton Street 27 **Old Education Building** 28 Post Office Drawer 149 29 Raleigh, North Carolina 27602 30 and may be obtained at cost from the Academy at the following address: 31 North Carolina Justice Academy 32 Post Office Box 99 33 Salemburg, North Carolina 28385 34 35 History Note: Authority G.S. 17C-6; 36 Eff. May 1, 2004; 37 Amended Eff. November 1, 2007;

- Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
   2019.
   3
- 4



[Authority G.S. 150B-21.1]

OAH USE ONLY

**VOLUME:** 

ISSUE:

1. Rule-Making Ag	ency: North Carolina C	riminal Justice Education	Training and Standards Commission
2. Rule citation & n	ame: 12 NCAC 09B .0	242 CERTIFICATION	TRAINING FOR RADAR/LIDAR OPERATORS
3. Action: [	Adoption	Amendment	Repeal
4. Was this an Eme	rgency Rule: Yes	Effective date:	
5. Provide dates for	the following actions	as applicable:	
a. Proposed Temp	orary Rule submitted	to OAH: September 7,	2021
b. Proposed Temj	oorary Rule published	on the OAH website: Se	eptember 14, 2021
c. Public Hearing	date: October 25, 202	1	
d. Comment Perio	od: September 15, 202	1-October 5, 2021	
e. Notice pursuan	t to G.S. 150B-21.1(a3)	(2): 150B-21.1(a1)	
f. Adoption by ag	ency on: October 28, 2	2021	
	ive date of temporary [1.3]: November 30, 20		ive date established by G.S. 150B- 21.1(b)
h. Rule approved	by RRC as a permane	nt rule [See G.S. 150B-2]	1.3(b2)]:
6. Reason for Temp	orary Action. Attach	a copy of any cited law,	regulation, or document necessary for the review.
	date of a recent act of	the public health, safety the General Assembly o	
	nge in federal or state	budgetary policy.	
Effective dat	e of change: eral regulation.		
Cite:	-		
Effective dat			
Cite order:			
State Medica Other:	l Facilities Plan.		
Justice Training Cour coordinate a response a respiratory disease t North Carolina Comm and well-being of the requirements set forth officers and instructor 2021. Criminal Justice	ses as need to ensure the and enact protective me hat can result in severe staff, students, and com in the NCAC 12 09B, ( rs' carry out their respect e Officers per code are r	e completion of training to easures to help prevent the illness or death. Once an ncies facilitate many of th munity, training courses b 09C, and 09G impact the of tive professional duties. In required to complete speci	228, authorizing the extension of time to complete Criminal o certify trainees, officers, and instructors. Also, to e spread of COVID-19 and other variants. The COVID-19 is outbreak of the COVID-19 begins, it isn't easy to contain. the Criminal Justice Training Courses. To preserve the health began to close for 2-3 weeks. Training closures exceeding the completion of training, certification of criminal justice in addition, Executive Order No. 228 expired on October 27, ific training to maintain their certification. Failure to comply to serve their communities and enforce the law. To prepare

for any further potential unforeseen threat to public health or safety CJETS is pursuing rulemaking.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required? Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law.				
8. Rule establishes or increases a fee? (See G.S. 12-3.1)				
Yes         Agency submitted request for consultation on:         Consultation not required. Cite authority:	Agency submitted request for consultation on:			
9. Rule-making Coordinator: Charminique D. Williams 10. Signature of Agency Head				
Phone: (919) 779-8206				
E-Mail: cdwilliams@ncdoj.gov	* If this function has been delegated (reassigned) pursuant			
Agency contact, if any:	to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Chris Blue			
Phone:	Title: Commission Chair			
E-Mail:	E-Mail: CBLUE@townofchapelhill.org			
RULES REVIEW COMMISSION USE ONLY				
Action taken:	Submitted for RRC Review:			
Date returned to agency:				

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12 NCAC 09B .0242 is proposed for amendment under temporary procedures as follows:

#### 3 12 NCAC 09B .0242 CERTIFICATION TRAINING FOR RADAR/LIDAR OPERATORS

4 (a) The radar/lidar operator training course <u>RADAR/LIDAR Operator Training Course</u> for law enforcement officers

5 shall be designed to provide the trainee with the skills and knowledge to proficiently perform the function of a radar

6 <u>RADAR</u> and <u>lidar LIDAR</u> operator. This course shall be for a period not to exceed four consecutive weeks. <u>The</u>

7 Director of the Criminal Justice Standards Division may allow additional breaks in a specific course delivery when

8 the Director determines that doing so is necessary based on circumstances related to a lawfully declared State of

9 <u>Emergency.</u>

10 (b) Only employed or appointed personnel of a law enforcement agency may be enrolled in the radar/lidar speed 11 measurement instrument operator training course. RADAR/LIDAR Operator Training Course. Such a trainee shall 12 not be certified as a radar RADAR and lidar LIDAR speed measurement instrument operator until the basic law 13 enforcement training course has been successfully completed and probationary or general law enforcement 14 certification has been granted. Sheriffs, deputy sheriffs, and federal law enforcement personnel, including armed 15 forces personnel, shall be allowed to participate in a radar/lidar speed measurement instrument operator training 16 courses RADAR/LIDAR Operator Training Course on a space available basis at the discretion of the school director 17 without having enrolled in or having successfully completed the basic law enforcement training course and without 18 being currently certified in a probationary status or holding general law enforcement certification. The radar/lidar 19 operator training course RADAR/LIDAR Operator Training Course required for radar RADAR and lidar LIDAR 20 operator certification shall include the topic areas and number of hours as outlined in the Radar/Lidar Operator 21 Training Course. To qualify for radar-RADAR and lidar LIDAR operator certification, an applicant shall meet the 22 requirements as outlined in the Radar/Lidar RADAR/LIDAR Operator Training Course and meet the requirements of 23 12 NCAC 09B .0408 and .0409. 24 (c) The "Radar/Lidar "RADAR/LIDAR Operator Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the radar/lidar operator training course RADAR/LIDAR Operator 25 26 Training Course for radar RADAR and lidar LIDAR instrument operators as administered by the Commission. Copies 27 of this publication may be inspected at the office of the agency: 28 Criminal Justice Standards Division 29 North Carolina Department of Justice 30 1700 Tryon Park Drive **114 West Edenton Street** 31 32 **Old Education Building** 33 Post Office Drawer 149

- 34Raleigh, North Carolina 27602
- 35 and may be obtained at cost from the Academy at the following address:
- 36 North Carolina Justice Academy
- 37 Post Office Box 99

1		Salemburg, North Carolina 28385
2		
3	History Note:	Authority G.S. 17C-6;
4		Eff. November 1, 2007;
5		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
6		2019.
7		
8		



[Authority G.S. 150B-21.1]

OAH USE ONLY

**VOLUME:** 

ISSUE:

1. Rule-Makin	g Agency: North Carolir	a Criminal Justice Education Tr	raining and Standards Commission
2. Rule citation OPERATORS		B .0244 CERTIFICATION TI	RAINING FOR RADAR/TIME-DISTANCE LIDAR
3. Action:	Adoption	🛛 Amendment	Repeal
4. Was this an		Yes Effective date: No	
5. Provide date	es for the following action	ons as applicable:	
a. Proposed	<b>Femporary Rule submi</b>	tted to OAH: September 7, 20	21
b. Proposed	<b>Femporary Rule publis</b>	hed on the OAH website: Sep	tember 14, 2021
c. Public Hea	uring date: October 25,	2021	
d. Comment	Period: September 15,	2021-October 5, 2021	
e. Notice pur	suant to G.S. 150B-21.1	(a3)(2): 150B-21.1(a1)	
f. Adoption b	y agency on: October 2	28, 2021	
	effective date of tempor 50B-21.3]: November 3		e date established by G.S. 150B- 21.1(b)
h. Rule appro	oved by RRC as a perm	anent rule [See G.S. 150B-21.3	3(b2)]:
6. Reason for T	<b>femporary Action.</b> Atta	ach a copy of any cited law, re	gulation, or document necessary for the review.
🛛 🖂 A seriou	is and unforeseen threa	t to the public health, safety o	r welfare.
		ct of the General Assembly or	
Effectiv			
	t change in federal or st e date of change:	ate budgetary policy.	
	t federal regulation.		
Effectiv			
Cite ord	t court order. ler:		
🔲 State M	edical Facilities Plan.		
Other:	·		
Justice Training coordinate a resp a respiratory disc North Carolina C and well-being o requirements set officers and inst 2021. Criminal J with the requirem	Courses as need to ensur- conse and enact protective ease that can result in seve Community Colleges and of the staff, students, and forth in the NCAC 12 09 ructors' carry out their results fustice Officers per code nents results in delayed of	the the completion of training to c re measures to help prevent the s vere illness or death. Once an ou agencies facilitate many of the community, training courses be OB, 09C, and 09G impact the co- spective professional duties. In a are required to complete specific	28, authorizing the extension of time to complete Criminal pertify trainees, officers, and instructors. Also, to pread of COVID-19 and other variants. The COVID-19 is atbreak of the COVID-19 begins, it isn't easy to contain. Criminal Justice Training Courses. To preserve the health gan to close for 2-3 weeks. Training closures exceeding the mpletion of training, certification of criminal justice addition, Executive Order No. 228 expired on October 27, c training to maintain their certification. Failure to comply o serve their communities and enforce the law. To prepare TS is pursuing relemaking

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?				
Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law.				
9 Dula astablishes on increases a fact (See C.S. 12.2.1)				
8. Rule establishes or increases a fee? (See G.S. 12-3.1)				
Yes Agency submitted request for consultation on: Consultation not required. Cite authority:				
9. Rule-making Coordinator: Charminique D. Williams	10. Signature of Agency Head*: //			
-	10. Signature of Agency france.			
Phone: (919) 779-8206				
E-Mail: cdwilliams@ncdoj.gov	* If this function has been delegated (reassigned) pursuant			
	to G.S. 143B-10(a), submit a copy of the delegation with this form.			
Agency contact, if any:	Typed Name: Chris Blue			
	Title: Commission Chair			
E-Mail:	E-Mail: CBLUE@townofchapelhill.org			
RULES REVIEW COMMISSION USE ONI				
Action taken:	Submitted for RRC Review:			
Date returned to agency:				

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1 12 NCAC 09B .0244 is proposed for amendment under temporary procedures as follows:

## 312 NCAC 09B .0244CERTIFICATIONTRAININGFORRADAR/TIME-DISTANCE/LIDAR4OPERATORS

5 (a) The radar/time-distance/lidar operator training course-RADAR/Time-Distance/LIDAR Operator Training Course 6 for law enforcement officers shall be designed to provide the trainee with the skills and knowledge to proficiently 7 perform the function of a radar, time distance, RADAR, Time-Distance, and lidar LIDAR operator. This course shall 8 be for a period not to exceed four consecutive weeks. The Director of the Criminal Justice Standards Division may 9 allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on 10 circumstances related to a lawfully declared State of Emergency. 11 (b) Only employed or appointed personnel of a law enforcement agency may be enrolled in the radar/time-12 distance/lidar speed measurement instrument operator training course. RADAR/Time-Distance/LIDAR Operator 13 Training Course. Such a trainee shall not be certified as a radar, time distance, RADAR, Time-Distance, and lidar 14 LIDAR speed measurement instrument operator until the basic law enforcement training course has been successfully 15 completed and probationary or general law enforcement certification has been granted. Sheriffs, deputy sheriffs, and 16 federal law enforcement personnel, including armed forces personnel, shall be allowed to participate in radar, time-17 distance, and lidar speed measurement instrument operator training courses RADAR/Time-Distance/LIDAR Operator 18 Course the on a space available basis at the discretion of the school director without having enrolled in or having 19 successfully completed the basic law enforcement training course and without being currently certified in a 20 probationary status or holding general law enforcement certification. The radar/time distance/lidar operator training 21 course RADAR/Time-Distance/LIDAR Operator Training Course required for radar, time distance, RADAR, Time-22 Distance, and lidar LIDAR operator certification shall include the topic areas and number of hours as outlined in The 23 Radar/Time Distance/Lidar RADAR/Time-Distance/LIDAR Operator Training Course. To qualify for radar, time-24 distance, RADAR, Time-Distance, and lidar LIDAR operator certification, an applicant shall meet the requirements as outlined in The Radar/Time Distance/Lidar RADAR/Time-Distance/LIDAR Operator Training Course and meet 25 26 the requirements of 12 NCAC 09B .0408 and .0409. 27 (c) The "Radar/Time Distance/Lidar "RADAR/Time-Distance/LIDAR Operator Training Course" as published by 28 the North Carolina Justice Academy shall be applied as basic curriculum for the radar/time distance/lidar operator 29 training course RADAR/Time-Distance/LIDAR Operator Training Course for radar, time distance, RADAR, Time-30 Distance, and lidar LIDAR instrument operators as administered by the Commission. Copies of this publication may 31 be inspected at the office of the agency: 32 Criminal Justice Standards Division 33 North Carolina Department of Justice 34 1700 Tryon Park Drive 35 **114 West Edenton Street** 

- 36 Old Education Building
- 37 Post Office Drawer 149

1		Raleigh, North Carolina 27602
2		and may be obtained at cost from the Academy at the following address:
3		North Carolina Justice Academy
4		Post Office Box 99
5		Salemburg, North Carolina 28385
6		
7	History Note:	Authority G.S. 17C-6;
8		Eff. November 1, 2007;
9		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
10		2019.
11		
12		



[Authority G.S. 150B-21.1]

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**VOLUME:** 

ISSUE:

1. Ru	e-Making Agency: No	orth Carolina Crin	ninal Justice Education	Training and Standar	rds Commission
	e citation & name: 12 UCTOR TRAINING		7 SPECIALZED EXI	PLOSIVES AND HA	AZARDOUS MATERIAL
3. Act			Amendment	Repeal	
4. Wa	s this an Emergency I	Rule: 🗌 Yes 🛛 No	Effective date:		
5. Pro	vide dates for the foll	owing actions as	applicable:		
a. Pi	oposed Temporary R	ule submitted to	OAH: September 7,	2021	
b. P	oposed Temporary F	tule published or	the OAH website: S	eptember 14, 2021	
c. Pi	blic Hearing date: O	ctober 25, 2021			
d. C	omment Period: Sept	tember 15, 2021-	October 5, 2021		
e. No	otice pursuant to G.S.	150B-21.1(a3)(2	): 150B-21.1(a1)		
f. Ad	option by agency on:	October 28, 202	21		
	oposed effective date d G.S. 150B-21.3]: No			ive date established	by G.S. 150B- 21.1(b)
h. R	ile approved by RRC	as a permanent	rule [See G.S. 150B-2	1.3(b <b>2</b> )]:	
6. Rea	son for Temporary A	ction. Attach a c	copy of any cited law,	regulation, or docu	ment necessary for the review.
			e public health, safety ie General Assembly (		'ess.
	A recent change in fe		dgetary policy.		
	Effective date of cha A recent federal regu Cite:				
	Effective date: A recent court order				
	Cite order: State Medical Facilit Other:				
Explain - Justice coordin a respir North C and we require officers 2021. C with the	a: The Governor of No Training Courses as ne ate a response and ena atory disease that can r arolina Community C 1-being of the staff, stu nents set forth in the N and instructors' carry or riminal Justice Officer requirements results i	ed to ensure the c ct protective meas esult in severe illi- olleges and agenc idents, and comm ICAC 12 09B, 09- out their respective s per code are recon- n delayed or loss	completion of training t sures to help prevent the ness or death. Once an ies facilitate many of the unity, training courses C, and 09G impact the e professional duties. I quired to complete spec	o certify trainees, off e spread of COVID-J outbreak of the COV he Criminal Justice T began to close for 2-3 completion of trainin n addition, Executive ific training to mainta to serve their comm	extension of time to complete Criminal ficers, and instructors. Also, to 19 and other variants. The COVID-19 is /ID-19 begins, it isn't easy to contain. raining Courses. To preserve the health 3 weeks. Training closures exceeding the beg, certification of criminal justice order No. 228 expired on October 27, ain their certification. Failure to comply munities and enforce the law. To prepare making

rule is required?	contrary to the public interest and the immediate adoption of the r loss of officers' certification to serve their communities and enforce
8. Rule establishes or increases a fee? (See G.S. 12-3.1)	
Yes         Agency submitted request for consultation on:         Consultation not required. Cite authority:	
No .	
9. Rule-making Coordinator: Charminique D. Williams	10. Signature of Agency Head*.
Phone: (919) 779-8206 E-Mail: cdwilliams@ncdoj.gov	
	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.
Agency contact, if any:	Typed Name: Chris Blue
Phone:	Title: Commission Chair
E-Mail:	E-Mail: CBLUE@townofchapelhill.org
RULES REVIEW COMMISSION USE ONL	
Action taken:	Submitted for RRC Review:
Date returned to agency:	

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1 12 NCAC 09B .0417 is proposed for amendment under temporary procedures as follows:

# 3 12 NCAC 09B.0417 SPECIALIZED EXPLOSIVES AND HAZARDOUS MATERIALS INSTRUCTOR 4 TRAINING

5	(a) The instruct	or traini	ng course required for Specialized Explosives and Hazardous l	Materials Instructor Certification	
6	shall consist of a minimum of 59 hours of classroom instruction plus time required to complete Instructor Practicums				
7	presented durin	g a cont	tinuous period of not more than two weeks. The Director of	the Criminal Justice Standards	
8	Division may allow additional breaks in a specific course delivery when the Director determines that doing so is				
9	necessary based	l on circ	umstances related to a lawfully declared State of Emergency.		
10	(b) Each Specia	alized Ex	xplosives and Hazardous Materials Instructor Training course	shall be designed to provide the	
11	trainee with the	skills ar	nd knowledge to perform the function of a criminal justice exp	olosives and hazardous materials	
12	instructor in a E	Basic La	w Enforcement Training Course or a Law Enforcement Offic	ers' Annual In-Service Training	
13	Program.				
14	(c) Each applic	ant for S	Specialized Explosives and Hazardous Materials Instructor Tr	aining shall:	
15	(1)	have o	completed either:		
16		(A)	the criminal justice instructor training course; or		
17		(B)	the Fire Service Instructor Methodology Course or the equ	ivalent utilizing the Instructional	
18			Systems Design model, an international model with ap	plication in education, military	
19			training, and private enterprise;		
20	(2)	presei	nt a written endorsement by either:		
21		(A)	a certified school director indicating the student will be ut	tilized to instruct explosives and	
22			hazardous materials in Basic Law Enforcement Training O	Courses; or	
23		(B)	a department head, certified school director, or in-service	training coordinator, indicating	
24			the student will be utilized to instruct explosives and haz	ardous materials training in the	
25			Law Enforcement Officer's Annual In-Service Training Pr	rogram; and	
26	(3)	presei	nt a completed OSHA Respirator Medical Evaluation Qu	estionnaire, accompanied by a	
27		staten	nent from a licensed medical professional stating the applica	nt is physically fit to participate	
28		in the	course.		
29	(d) Each Spec	ialized I	Explosives and Hazardous Materials Instructor Training cou	arse shall include the following	
30	identified topic	areas an	d minimum instructional hours for each area:		
31	(1)	Orien	tation	2 Hours	
32	(2)	Introc	luction to Hazardous Materials	1 Hour	
33	(3)	Hazar	dous Materials Identification	2.5 Hours	
34	(4)	Awar	eness Level Actions at Hazardous Materials Incidents	1.5 Hours	
35	(5)	Chem	ical Properties and Hazardous Materials Behavior	3 Hours	
36	(6)	Incide	ent Management	3 Hours	
37	(7)	Strate	gic Goals and Tactical Objectives	3.5 Hours	

1	(8)	Terrorist and Other Criminal Activity	5 Hours		
2	(9)	(9) Personal Protective Equipment			
3	(10)	Decontamination	5 Hours		
4	(11)	Product Control	4 Hours		
5	(12)	Air Monitoring and Sampling	1.5 Hours		
6	(13)	Victim Rescue and Recovery	4 Hours		
7	(14)	Evidence Preservation and Sampling	3 Hours		
8	(15)	Illicit Laboratories	2 Hours		
9	(16)	Introduction to Explosive Devices	1 Hour		
10	(17)	Improvised Explosive Device Anatomy	2 Hours		
11	(18)	Packaged Improvised Explosive Devices	1 Hour		
12	(19)	Suicide/Homicide Improvised Explosive Devices	1 Hour		
13	(20)	Vehicle Borne Improvised Explosive Devices	1 Hour		
14	(21)	Radio Controlled Improvised Explosive Devices with Live Demonstration	5 Hours		
15	(22)	Improvised Explosive Device Threat Response	1 Hour		
16	(23)	Explosives and Hazardous Materials Emergencies and BLET Lesson Plan			
17		Review	1 Hour		
18	(24)	Completion of tasks associated with Instructor Practicums. The number of	f required hours to		
19		complete this portion of the curriculum shall be based on the number of studen	ts and instructors.		
20					
21	course shall be t	the Specialized Explosives and Hazardous Materials Instructor Training Manual,	" as published by the		
22	North Carolina	Justice Academy. Copies of these publications may be inspected at the agency:			
23		Criminal Justice Standards Division			
24		North Carolina Department of Justice			
25		1700 Tryon Park Drive			
26		Raleigh, North Carolina 27610			
27	an	d may be obtained at no cost to the student from the Academy at the following a	ddress:		
28		North Carolina Justice Academy			
29		Post Office Box 99			
30		Salemburg, North Carolina 28385			
31	(f) The North	Carolina Justice Academy is certified to offer the Specialized Explosives and I	Hazardous Materials		
32	Instructor Train	ing course.			
33					
34	History Note:	Authority G.S. 17C-6; 17C-10;			
35		Eff. June 1, 2013;			
36		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public i	nterest Eff. May 25,		
37		2019;			

1 Amended Eff. January 1, 2021. 2 3



[Authority G.S. 150B-21.1]

OAH USE ONLY

**VOLUME:** 

ISSUE:

1. Rule-Making Agency: North Carolin	na Criminal Justice Education T	raining and Standards Commission
2. Rule citation & name: 12 NCAC 09	G .0414 INSTRUCTOR TRA	INING
3. Action: Adoption	🛛 Amendment	Repeal
4. Was this an Emergency Rule:	Yes Effective date: No	
5. Provide dates for the following acti	ons as applicable:	· · · · · · · · · · · · · · · · · · ·
a. Proposed Temporary Rule submi	tted to OAH: September 7, 20	21
b. Proposed Temporary Rule publis	hed on the OAH website: Sep	tember 14, 2021
c. Public Hearing date: October 25,	, 2021	
d. Comment Period: September 15,	, 2021-October 5, 2021	
e. Notice pursuant to G.S. 150B-21.1	l(a3)(2): 150B-21.1(a1)	
f. Adoption by agency on: October	28, 2021	
g. Proposed effective date of tempor and G.S. 150B-21.3]: November 3		e date established by G.S. 150B- 21.1(b)
h. Rule approved by RRC as a perm	anent rule [See G.S. 150B-21.	3(b2)]:
6. Reason for Temporary Action. Att	ach a copy of any cited law, re	gulation, or document necessary for the review.
A serious and unforeseen threa The effective date of a recent as Cite:		
Effective date:	tate budgetary policy.	
Effective date of change:		
A recent federal regulation. Cite:		
Effective date:		
Cite order:		
State Medical Facilities Plan.		
_ Other:		
Justice Training Courses as need to ensur coordinate a response and enact protectiv a respiratory disease that can result in sev North Carolina Community Colleges and and well-being of the staff, students, and requirements set forth in the NCAC 12 09 officers and instructors' carry out their re- 2021. Criminal Justice Officers per code	re the completion of training to deve measures to help prevent the severe illness or death. Once an out agencies facilitate many of the community, training courses be 9B, 09C, and 09G impact the cospective professional duties. In a are required to complete specification to the cost of officers' certification to the cost of officers' certification to the cost of th	28, authorizing the extension of time to complete Criminal certify trainees, officers, and instructors. Also, to pread of COVID-19 and other variants. The COVID-19 is atbreak of the COVID-19 begins, it isn't easy to contain. Criminal Justice Training Courses. To preserve the health gan to close for 2-3 weeks. Training closures exceeding the mpletion of training, certification of criminal justice addition, Executive Order No. 228 expired on October 27, c training to maintain their certification. Failure to comply o serve their communities and enforce the law. To prepare CS is pursuing rulemaking.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required? Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law.		
<ul> <li>8. Rule establishes or increases a fee? (See G.S. 12-3.1)</li> <li>Yes Agency submitted request for consultation on: </li> </ul>		
Consultation not required. Cite authority:		
9. Rule-making Coordinator: Charminique D. Williams Phone: (919) 779-8206	10. Signature of Agency Head*	
E-Mail: cdwilliams@ncdoj.gov	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.	
Agency contact, if any:	Typed Name: Chris Blue	
Phone: E-Mail:	Title: Commission Chair E-Mail: CBLUE@townofchapelhill.org	
RULES REVIEW COMMISSION USE ONLY		
<u>na na kalan na kalan na kalan na na kalan ka</u>	Submitted for RRC Review:	
	······································	
Date returned to agency:		

12 NCAC 09G .0414 is proposed for amendment under temporary procedures as follows:

3	12 NCAC 09G	.0414 INSTRUCTOR TRAINING			
4	(a) The Instructor Training course required for General Instructor certification shall consist of at least the minimum				
5	number of hours of instruction as defined in 12 NCAC 09B .0209 to be completed within 15 business days. The				
6	Director of the	Criminal Justice Standards Division may allow additional breaks in a specific course delivery when			
7	the Director det	termines that doing so is necessary based on circumstances related to a lawfully declared State of			
8	Emergency.				
9	(b) Each Instru	ctor Training course shall be designed to provide the trainee with the skills and knowledge to perform			
10	the functions of	a criminal justice instructor.			
11	(c) The "Instru	actor Training Manual" published by the North Carolina Justice Academy shall be applied as the			
12	curriculum for i	nstructor training courses. Copies of this publication may be inspected at the agency:			
13		Criminal Justice Standards Division			
14		North Carolina Department of Justice			
15		1700 Tryon Park Drive			
16		Post Office Drawer 149			
17		Raleigh, North Carolina 27602			
18	and may be pure	chased at the cost of printing and postage from the North Carolina Justice Academy at the following			
19	address:				
20		North Carolina Justice Academy			
21		Post Office Drawer 99			
22		Salemburg, North Carolina 28385			
23					
24	History Note:	Authority G.S. 17C-6;			
25		Temporary Adoption Eff. January 1, 2001;			
26		Eff. August 1, 2002;			
27		Amended Eff. July 1, 2018; April 1, 2018; January 1, 2018; January 1, 2015;			
28		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,			
29		2019;			
30		Amended Eff. July 1, 2021; January 1, 2021.			
31					
32					



[Authority G.S. 150B-21.1]

OAH USE ONLY

**VOLUME:** 

ISSUE:

1. Rule-Making Agency: North Carolina Criminal Justice Education Training and Standards Commission
2. Rule citation & name: 12 NCAC 09G .0415 CORRECTIONS SPECIALIZED INSTRUCTOR TRAINING-FIREARMS
2. Nut thatter & name, 12 WAC 099,0415 CORRECTIONS SPECIALIZED INSTRUCTOR TRAINING-FIREARINS
3. Action: Adoption Amendment Repeal
4. Was this an Emergency Rule: Yes Effective date:
5. Provide dates for the following actions as applicable:
a. Proposed Temporary Rule submitted to OAH: September 7, 2021
b. Proposed Temporary Rule published on the OAH website: September 14, 2021
c. Public Hearing date: October 25, 2021
d. Comment Period: September 15, 2021-October 5, 2021
e. Notice pursuant to G.S. 150B-21.1(a3)(2): 150B-21.1(a1)
f. Adoption by agency on: October 28, 2021
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: November 30, 2021
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.
A serious and unforeseen threat to the public health, safety or welfare.
The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: Effective date:
A recent change in federal or state budgetary policy.
Effective date of change:
Cite:
Effective date:
L A recent court order. Cite order;
State Medical Facilities Plan.
Other:
<b>Explain:</b> The Governor of North Carolina issued Executive Order No. 228, authorizing the extension of time to complete Criminal -Justice Training Courses as need to ensure the completion of training to certify trainees, officers, and instructors. Also, to coordinate a response and enact protective measures to help prevent the spread of COVID-19 and other variants. The COVID-19 is a respiratory disease that can result in severe illness or death. Once an outbreak of the COVID-19 begins, it isn't easy to contain. North Carolina Community Colleges and agencies facilitate many of the Criminal Justice Training Courses. To preserve the health and well-being of the staff, students, and community, training courses began to close for 2-3 weeks. Training closures exceeding the requirements set forth in the NCAC 12 09B, 09C, and 09G impact the completion of training, certification of criminal justice officers and instructors' carry out their respective professional duties. In addition, Executive Order No. 228 expired on October 27, 2021. Criminal Justice Officers per code are required to complete specific training to maintain their certification. Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law. To prepare for any further potential unforeseen threat to public health or safety CJETS is pursuing rulemaking.

7. Why is adherence to notice and hearing requirements conrule is required?	ntrary to the public interest and the immediate adoption of the
Failure to comply with the requirements results in delayed or lo	oss of officers' certification to serve their communities and enforce
the law.	
8. Rule establishes or increases a fee? (See G.S. 12-3.1)	
Agency submitted request for consultation on: Consultation not required. Cite authority:	
9. Rule-making Coordinator: Charminique D. Williams	10. Signature of Agency/Head*:
Phone: (919) 779-8206	
E-Mail: cdwilliams@ncdoj.gov	
E mail cuminansiencuoj.gov	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with
Agency contact, if any:	this form. Typed Name: Chris Blue
Phone:	Title: Commission Chair
E-Mail:	
	E-Mail: CBLUE@townofchapelhill.org
RULES REVIEW COMMISSION USE ONLY	
Action taken:	ubmitted for RRC Review:
Action taken: S	ubmitted for RRC Review:
Action taken:	<u>그 한 것 같은 것 </u>
Action taken:	<u>그 한 것 같은 것 </u>
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Action taken: Si	<u>그 한 것 같은 것 </u>

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- 12 NCAC 09G .0415 is proposed for amendment under temporary procedures as follows:

3	12 NCAC 09G .	0415	CORRECTIONS SPECIALIZED INSTRUCTOR TRAINING – FIREARMS
4	(a) The instructo	or training	course requirement for Corrections Specialized Instructor Training - Firearms certification
5	shall consist of a	t least 80 ł	nours of instruction presented during a period of not more than two consecutive weeks. The
6	Director of the C	Criminal J	ustice Standards Division may allow additional breaks in a specific course delivery when
7	the Director dete	ermines th	nat doing so is necessary based on circumstances related to a lawfully declared State of
8	Emergency.		
9	(b) Each Correc	ctions Spe	cialized Instructor Training - Firearms course shall be designed to provide the trainee with
10	the skills and k	nowledge	to perform the function of a corrections firearms instructor in the "Basic Training -
11	Correctional Off	ïcer" cour	se, "Basic Training - Probation/Parole Officer" course, and in-service training courses for
12	correctional offic	ers and p	robation/parole officers.
13	(c) Each Correct	tions Spec	ialized Firearms Instructor Training course shall include the following topical areas:
14	(1)	Course C	Dverview;
15	(2)	Legal Co	onsiderations for Firearm Instructors;
16	(3)	Departm	ent of Public Safety, Division of Adult Correction Firearms Training Courses;
17	(4)	Firearms	s Safety;
18	(5)	Range O	perations;
19	(6)	Medical	Emergencies on the Range;
20	(7)	Handgur	n – Operation, Use and Maintenance:
21		(A)	Handgun Training – Classroom and Range;
22		(B)	Handgun Low/Limited Light Fire; and
23		(C)	Handgun Care and Maintenance;
24	(8)	Advance	ed Handgun Training – Classroom and Range;
25	(9)	Shotgun	Operation, Use and Maintenance:
26		(A)	Shotgun Training – Classroom and Range;
27		(B)	Shotgun Low/Limited Light Fire - Range; and
28		(C)	Shotgun Care and Maintenance;
29	(10)	Special 7	Fechniques, Training Aids, and Methods:
30	(11)	Situation	nal Use of Firearms:
31		(A)	The Shooting Decision;
32		(B)	Situational Use of Firearms;
33		(C)	Situational Exercises – Day; and
34		(D)	Situational Exercises - Low/Limited Light; and
35	(12)	Adminis	trative Matters, Testing, and Evaluation.

(d) The Commission certified school that is certified to offer the "Corrections Specialized Instructor
 Training - Firearms" course is the Office of Staff Development and Training of the North Carolina Department of
 Public Safety.

5	History Note:	Authority G.S. 17C-6;
6		Temporary Adoption Eff. January 1, 2001;
7		Eff. August 1, 2002;
8		Amended Eff. May 1, 2014; April 1, 2008; February 1, 2006; August 1, 2004;
9		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
10		2019.
11		
12		



[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

**ISSUE:** 

1. Rule-Making	Agency: North Carolin	a Criminal Justice Education T	raining and Standards Commission	
2. Rule citation & name: 12 NCAC 09G .0416 CORRECTIONS SPECIALIZED INSTRUCTOR TRAINING-CONTROL, RESTRAINTS, AND DEFENSIVE TECHNIQUES				
3. Action:	Adoption	Amendment	Repeal	
4. Was this an Emergency Rule: Yes Effective date:				
5. Provide dates for the following actions as applicable:				
a. Proposed Temporary Rule submitted to OAH: September 7, 2021				
b. Proposed Temporary Rule published on the OAH website: September 14, 2021				
c. Public Hearing date: October 25, 2021				
d. Comment Period: September 15, 2021-October 5, 2021				
e. Notice pursuant to G.S. 150B-21.1(a3)(2): 150B-21.1(a1)				
f. Adoption by agency on: October 28, 2021				
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: November 30, 2021				
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:				
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.				
	tive date of a recent a	t to the public health, safety o ct of the General Assembly or		
A recent change in federal or state budgetary policy.				
	date of change: federal regulation.			
Cite orde	court order.			
-Justice Training O coordinate a respo a respiratory disea North Carolina C and well-being of requirements set f officers and instru 2021. Criminal Ju	Courses as need to ensur onse and enact protectiv ase that can result in sev community Colleges and <sup>2</sup> the staff, students, and forth in the NCAC 12 09 inctors' carry out their results instice Officers per code	re the completion of training to of e measures to help prevent the so vere illness or death. Once an or agencies facilitate many of the community, training courses be DB, 09C, and 09G impact the co spective professional duties. In a are required to complete specifi	28, authorizing the extension of time to complete Criminal certify trainees, officers, and instructors. Also, to pread of COVID-19 and other variants. The COVID-19 is atbreak of the COVID-19 begins, it isn't easy to contain. Criminal Justice Training Courses. To preserve the health gan to close for 2-3 weeks. Training closures exceeding the mpletion of training, certification of criminal justice addition, Executive Order No. 228 expired on October 27, c training to maintain their certification. Failure to comply o serve their communities and enforce the law. To prepare	

for any further potential unforeseen threat to public health or safety CJETS is pursuing rulemaking.

<ul> <li>7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?</li> <li>Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law.</li> </ul>				
8. Rule establishes or increases a fee? (See G.S. 12-3.1)				
<ul> <li>Yes</li> <li>Agency submitted request for consultation on: Consultation not required. Cite authority:</li> </ul>				
No No				
9. Rule-making Coordinator: Charminique D. Williams Phone: (919) 779-8206	10. Signature of Agency Head*:			
E-Mail: cdwilliams@ncdoj.gov	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.			
Agency contact, if any:	Typed Name: Chris Blue			
Phone;				
E-Mail:	E-Mail: CBLUE@townofchapelhill.org			
RULES REVIEW COMMISSION USE ONL Action taken:	X Submitted for RRC Review:			
Date returned to agency:				

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12 NCAC 09G .0416 is proposed for amendment under temporary procedures as follows:

# 3 12 NCAC 09G .0416 CORRECTIONS SPECIALIZED INSTRUCTOR TRAINING - CONTROLS, 4 RESTRAINTS, AND DEFENSIVE TECHNIQUES

5 (a) The instructor training course requirement for corrections specialized controls, restraints, and defensive techniques 6 (CRDT) instructor certification shall consist of at least 80 hours of instruction presented during a period of not more 7 than two consecutive weeks. The Director of the Criminal Justice Standards Division may allow additional breaks in 8 a specific course delivery when the Director determines that doing so is necessary based on circumstances related to 9 a lawfully declared State of Emergency. 10 (b) Each corrections specialized controls, restraints, and defensive techniques instructor training course shall be 11 designed to provide the trainee with the skills and knowledge to perform the function of a corrections controls, 12 restraints, and defensive techniques instructor in the "Basic Training - Correctional Officer" course, "Basic 13 Training - Probation/Parole Officer" course, and in-service training courses for correctional officers and 14 probation/parole officers. 15 (c) Each corrections specialized controls, restraints, and defensive techniques instructor training course shall include 16 the following topical areas: 17 Introduction to Controls, Restraints, and Defensive Techniques; (1)18 (2)Physical Fitness/Warm-up and Stretching; 19 (3)Response to Injury; 20 (4)Basic Controls and Techniques; 21 (5) Advanced Controls and Techniques; 22 (6)Restraint Applications; and 23 (7)CRDT Program Student Evaluations and Testing. 24 The Commission-certified school that is certified to offer the "Corrections Specialized Instructor (d) 25 Training/Controls, Restraints, and Defensive Techniques" course is the Office of Staff Development and Training of the North Carolina Department of Public Safety. 26 27 28 History Note: Authority G.S. 17C-6; 29 Temporary Adoption Eff. January 1, 2001; 30 Eff. August 1, 2002; 31 Amended Eff. May 1, 2014; November 1, 2005; August 1, 2004; 32 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 33 2019. 34 35