

# RULES REVIEW COMMISSION

## G.S. 150B-19.1 CERTIFICATION

Instructions for completing and submitting the application for Rules Review Commission certification of compliance with the provisions of G.S. 150B-19.1 prior to publishing a notice of text:

- Complete and print out the certification form
- Sign (or have appropriate person sign) the form
- Scan the form, a dated copy of the proposed rule, and copies of any necessary attachments
- Email the scanned document(s) as an attachment to the email to: [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)
- An automatically generated email will be sent indicating receipt of the email

<b>Rule-making Agency:</b> Criminal Justice Education and Training Standards Commission	
<b>Rule Citation(s):</b> 12 NCAC 09B .0228; 21 NCAC 09B .0401; 12 NCAC 09C .0303	
<b>(1a) What is the authority for this rule? (attach a copy of any federal authority or state authority that is not in the current edition of the NCGS) G.S. 17C-2; 17C-6; 17C-10</b>	
<b>(1b) Why is this rule necessary to serve the public interest? These rules specify the training and certification requirements for law enforcement and Wildlife Enforcement officers.</b>	
<b>(2) How did the agency seek to reduce the burden upon those persons or entities who must comply with this rule? The agency has established minimum training and certification requirements which are necessary to ensure that professional officers are certified to work in the field.</b>	
<b>(3) Why is the rule reasonably necessary to implement or interpret federal or state law? The Wildlife Enforcement officers are now being required to complete the Basic law Enforcement Training program, just as all other law enforcement officers in North Carolina; these revisions remove the former requirement for them to complete a separate Basic Training - Wildlife Enforcement Officers.</b>	
<b>(4a) Are there existing rules adopted by the agency related to this specific purpose?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "yes," provide citation:	
<b>(4b) If "yes," did the agency consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which this rule is proposed?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>(5) If appropriate, is this rule based on sound, reasonably available scientific, technical, economic, and other relevant information?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable If "yes," include a reference to the information to be included in the Notice of Text:	
<b>(6) How is the rule designed to achieve the regulatory objective in a cost-effective and timely manner? These rules establish training and certification requirements, with associated time requirements, and do not require fees.</b>	
<b>AGENCY CERTIFICATION</b>	<b>RRC CERTIFICATION</b>
The agency adhered to the principles in G.S. 150B-19.1 in developing and drafting the rule.  <b>Signature:</b>   <b>Typed Name:</b> Trevor Allen <b>Title:</b> Rule Making Coordinator – CJ Standards Div.  <b>Email:</b> tjallen@ncdoj.gov	The Rules Review Commission certifies that the agency adhered to the principles in G.S. 150B-19.1.  <b>By:</b> _____  <b>Date:</b> _____

### **Counsel Note**

Your agency submitted a rule for certification for publication pursuant to G.S. 150B-19.1. The Commission has not met and has not made a decision regarding this request.

In reviewing the rule submitted by your agency for certification, Counsel has noted the following, and recommends changing the rule as set forth below.

These are not required changes for approval pursuant to G.S. 150B-19.1. Do not submit a rewritten rule to address the requests set forth below. This is intended to assist you in preparing the rules for publication in the N.C. Register. Therefore, if you make these changes, please format them as required by 26 NCAC Subchapter 02C.

**Rule Citation: 12 NCAC 09B .0228**

**Agency: Criminal Justice Education and Training Standards**

*When you publish this, note that it is a repeal and therefore, you will not be required to show the struck through language.*

Amanda J. Reeder  
Commission Counsel

1 **12 NCAC 09B .0228 BASIC TRAINING - WILDLIFE ENFORCEMENT OFFICERS**

2 ~~(a) The basic training course for wildlife enforcement officers appointed by the Wildlife Resources Commission as~~  
 3 ~~authorized under G.S. 113-136 shall consist of at least 652 hours of instruction designed to provide the trainee with the~~  
 4 ~~skills and knowledge to perform those tasks essential to function as a wildlife enforcement officer.~~

5 ~~(b) Each basic training course for wildlife enforcement officers shall include the following identified topical areas and~~  
 6 ~~minimum instructional hours for each area:~~

7	<del>(1) Course Orientation</del>	<del>2 Hours</del>
8	<del>(2) Arrest Search &amp; Seizure/Constitutional Law</del>	<del>28 Hours</del>
9	<del>(3) Law Enforcement Communications and Information System</del>	<del>8 Hours</del>
10	<del>(4) Elements of Criminal Law</del>	<del>24 Hours</del>
11	<del>(5) Subject Control/Arrest Techniques</del>	<del>48 Hours</del>
12	<del>(6) Juvenile Law and Procedures</del>	<del>8 Hours</del>
13	<del>(7) First Responder</del>	<del>40 Hours</del>
14	<del>(8) Firearms</del>	<del>48 Hours</del>
15	<del>(9) Hunter Safety</del>	<del>12 Hours</del>
16	<del>(10) Patrol Techniques</del>	<del>16 Hours</del>
17	<del>(11) Field Notetaking and Report Writing</del>	<del>12 Hours</del>
18	<del>(12) Domestic Violence Response</del>	<del>12 Hours</del>
19	<del>(13) Criminal Investigation</del>	<del>12 Hours</del>
20	<del>(14) Field &amp; Custodial Interviews</del>	<del>16 Hours</del>
21	<del>(15) Controlled Substances</del>	<del>10 Hours</del>
22	<del>(16) ABC Laws and Procedures</del>	<del>4 Hours</del>
23	<del>(17) Explosives &amp; Hazardous Materials</del>	<del>12 Hours</del>
24	<del>(18) Law Enforcement Drivers Training</del>	<del>48 Hours</del>
25	<del>(19) Preparing for Court and Testifying in Court</del>	<del>12 Hours</del>
26	<del>(20) Game and Fish Laws</del>	<del>36 Hours</del>
27	<del>(21) Motorboat Laws</del>	<del>16 Hours</del>
28	<del>(22) Boating Procedures &amp; Small Boat Handling</del>	<del>20 Hours</del>
29	<del>(23) Dealing with Problem Animal Situations</del>	<del>4 Hours</del>
30	<del>(24) Basic Field Identification of Fishes</del>	<del>6 Hours</del>
31	<del>(25) Basic Field Identification of Game Animals, Game Birds and Non-Game Animals</del>	<del>2 Hours</del>
32	<del>(26) Identification of Migratory Waterfowl</del>	<del>2 Hours</del>
33	<del>(27) Endangered Species</del>	<del>2 Hours</del>
34	<del>(28) Trapping</del>	<del>8 Hours</del>
35	<del>(29) Water Safety and Swimming</del>	<del>20 Hours</del>
36	<del>(30) Knotsmanship, A Practical Use of Rope</del>	<del>2 Hours</del>
37	<del>(31) Wildlife Law Enforcement and the Media</del>	<del>8 Hours</del>

1	(32) <del>Motorboat Accident Investigation</del>	<del>12 Hours</del>
2	(33) <del>Crowd Management</del>	<del>12 Hours</del>
3	(34) <del>Rapid Deployment</del>	<del>8 Hours</del>
4	(35) <del>Covert Activities</del>	<del>2 Hours</del>
5	(36) <del>Basic Photography</del>	<del>4 Hours</del>
6	(37) <del>Motor Vehicle Laws</del>	<del>20 Hours</del>
7	(38) <del>Physical Training</del>	<del>60 Hours</del>
8	(39) <del>Standardized Field Sobriety Training</del>	<del>32 Hours</del>
9	(40) <del>Ethics</del>	<del>4 Hours</del>

(e) ~~The "Wildlife Basic Training Manual" as published by the North Carolina Wildlife Resources Commission shall be used as the basic curriculum for delivery of wildlife enforcement officer basic training courses. Copies of this publication may be inspected at the office of the agency:~~

~~The Division of Enforcement Training Office  
North Carolina Wildlife Resources Commission  
1751 Varsity Drive  
NCSU Centennial Campus  
Raleigh, North Carolina 27606-2576~~

~~and may be obtained from the Wildlife Resources Commission for ninety-five dollars (\$95.00) per copy.~~

(d) ~~Commission-accredited schools that are accredited to offer the "Basic Training: Wildlife Enforcement Officers" course are: The Division of Enforcement Training Office of the North Carolina Wildlife Resources Commission.~~

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

*Eff. February 1, 1987;*

*Amended Eff. April 1, 2008; August 1, 2004; August 1, 2000; August 1, 1995; July 1, 1991; July 1, 1989.*

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**Rule Citation: 12 NCAC 09B .0401**

**Agency: Criminal Justice Education and Training Standards**

*On line 5, what do you mean by “satisfactorily complete”? Is that defined somewhere? (note the same question on line 8.)*

*Also on line 5, replace “which” with “that”*

*On line 6, state “his or her” both places.*

*In (b), line 9, the citation is 09B .0205(b) or “Rule .0205(b) of this Subchapter.”*

*In (c) and (d), I take it the State Comprehensive Examination is defined in another rule? You may want to reference it.*

1                                   **SECTION .0400 - MINIMUM STANDARDS FOR COMPLETION OF TRAINING**

2  
3   **12 NCAC 09B .0401        TIME REQUIREMENT FOR COMPLETION OF TRAINING**

4   (a) Each criminal justice officer, with the exception of law enforcement officers, holding probationary certification shall  
5   satisfactorily complete a commission-accredited basic training course which includes training in the skills and knowledge  
6   necessary to perform the duties of his office. The officer shall complete such course within one year from the date of his  
7   original appointment as determined by the date of the probationary certification.

8   (b) Each law enforcement officer, ~~except wildlife enforcement officers,~~ officer shall have satisfactorily completed in its  
9   entirety the accredited basic training course as prescribed in 12 NCAC 9B .0205(b) prior to obtaining probationary  
10   certification.

11   ~~(c) Each wildlife enforcement officer shall have satisfactorily completed in its entirety the Basic Training—Wildlife~~  
12   ~~Enforcement Officers' course stipulated in 12 NCAC 9B .0228(b) prior to obtaining probationary certification.~~

13   ~~(d)~~(c) If a trainee completes the basic training course prior to being employed as a law enforcement officer, the trainee shall  
14   be duly appointed and sworn as a law enforcement officer within one year of the completion of training for that basic training  
15   course to be recognized under these Rules. This one year period shall begin with the successful completion of the State  
16   Comprehensive Examination.

17   ~~(e)~~(d) If local confinement personnel complete basic training prior to being employed by a facility in a position which  
18   requires certification, such personnel shall be duly appointed to a local confinement facility position within one year of the  
19   completion of training for that basic training course to be recognized under these Rules. This one year period shall begin with  
20   the successful completion of the State Comprehensive Examination.

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22   *History Note:     Authority G.S. 17C-2; 17C-6; 17C-10;*

23                                   *Eff. January 1, 1981;*

24                                   *Amended Eff. January 1, 1995; March 1, 1992; July 1, 1989; June 1, 1986.*

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**Rule Citation: 12 NCAC 09C .0303**

**Agency: Criminal Justice Education and Training Standards**

*In (b), line 5, what do you mean by “minimum” standards? Do you need to retain the word “minimum” there?*

*In (d), line 18, replace “can” with “may”*

*On line 19, replace “must” with “shall”*

1 **12 NCAC 09C .0303 PROBATIONARY CERTIFICATION**

2 (a) Before a prospective criminal justice officer may be administered the oath of office, exercise the power of arrest, or  
3 commence active service as an officer, the employing agency shall have in its possession the person's Probationary  
4 Certification.

5 (b) The Commission shall certify as a probationary officer a person meeting the minimum standards for criminal justice  
6 employment when the person's employing agency submits a completed Report of Appointment to the Standards Division.

7 (1) The Standards Division shall issue the person's Probationary Certification to the employing agency.

8 (2) If an oath is required, the official administering an oath of office to the person shall be presented the  
9 person's Probationary Certification prior to the swearing. The administering official shall sign and date the  
10 oath on the Probationary Certification. The employing agency shall return a copy of the signed  
11 Probationary Certification to the Standards Division within 10 days of the administration of the officer's  
12 oath.

13 (3) If no oath is required, the officer's department head shall endorse the Probationary Certification and enter  
14 the date on which the officer's service commenced, returning a copy of the certification to the Standards  
15 Division within 10 days of the commencement of the officer's service.

16 (c) The officer's Probationary Certification shall remain valid for one year from the date the certification is issued by the  
17 Standards Division unless sooner terminated for cause.

18 (d) Before a prospective law enforcement officer, ~~except wildlife enforcement officers,~~ officer can be issued a Probationary  
19 Certification, the prospective officer must have successfully completed the required basic training course stipulated in 12  
20 NCAC 9B .0205(b).

21 ~~(e) Before a prospective wildlife enforcement officer can be issued a Probationary Certification, the prospective officer must~~  
22 ~~have successfully completed the required basic training course stipulated in 12 NCAC 9B .0228(b).~~

23 ~~(f)~~(e) An applicant for certification who holds a valid Probationary Certification issued by the North Carolina Sheriffs'  
24 Education and Training Standards Commission shall be certified as a probationary law enforcement officer as specified under  
25 Paragraphs (b), (c) and (d) of this Rule.

26 ~~(g)~~(f) Where the local governing authority lawfully declares the existence of a public emergency, the department head of the  
27 criminal justice agency of the jurisdiction may swear persons as law enforcement officers without first obtaining Probationary  
28 Certification for those officers. The employing agency shall obtain Probationary Certification for such emergency officers not  
29 more than 20 days after the administration of their oath of office.

30

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

32 *Eff. January 1, 1981;*

33 *Amended Eff. November 1, 1993; March 1, 1992; July 1, 1989; October 1, 1985.*

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