

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
- An automatically generated email will be sent indicating receipt of the email

Rule-making Agency: Criminal Justice Education and Training Standards Commission	
Rule Citation(s): 12 NCAC 09A .0103; 12 NCAC 09G .0101, .0102, .0202, .0203, .0204, .0205, .0206, .0300, .0301, .0302, .0303, .0304, .0306, .0413, .0504, .0602	
(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-1; 17C-2; 17C-6; 17C-10; 153A-217; S.L. 2000-67, s. 17.3(c)	
(1b) Why is this rule necessary to serve the public interest? These rules are necessary to establish training and certification guidelines for state corrections and probation/parole officers.	
(2) How did the agency seek to reduce the burden upon those persons or entities who must comply with this rule? The agency established minimum standards to ensure professional service.	
(3) Why is the rule reasonably necessary to implement or interpret federal or state law? These rules are necessary to establish training and certification guidelines for state corrections and probation/parole officers.	
(4a) Are there existing rules adopted by the agency related to this specific purpose? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "yes," provide citation: _____	
(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? <input type="checkbox"/> Yes <input type="checkbox"/> No	
(5) If appropriate, is this rule based on sound, reasonably available scientific, technical, economic, and other relevant information? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable If "yes," include a reference to the information to be included in the Notice of Text: _____	
(6) How is the rule designed to achieve the regulatory objective in a cost-effective and timely manner? These rules ensure that training and certification standards are in place, while not adding fees to the regulated public.	
AGENCY CERTIFICATION	RRC CERTIFICATION
The agency adhered to the principles in G.S. 150B-19.1 in developing and drafting the rule. Signature: _____ Typed Name: Trevor Allen Title: Deputy Director – CJ Standards Division Email: tallen@ncdoj.gov	The Rules Review Commission certifies that the agency adhered to the principles in G.S. 150B-19.1. By: _____ Date: _____

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 09A .0103

Agency: Criminal Justice Education and Training Standards Commission

Line 7, why is "Safety" being deleted?

Line 15, delete "and includes,"

Line 20, add a comma after 17C-2(3)

Line 21, un-capitalize "Probation"

Line 26, add a comma after "agency"

Line 32; page 2, line 10, define or delete "satisfactorily"

Line 36, delete "been"

Page 2, line 5, delete "fully"

Page 2, line 17, replace "that" with "the"

Page 2, line 18, add "as follows" after "reads"

Page 3, line 12, is the use of "title" supposed to be referring to the General Statutes? The term seems unclear. Please clarify.

Page 3, line 27, add a comma after "ordinance"

Page 3, line 27; page 4, lines 7, 10, and 32, if the term "state" is being used to reference North Carolina, please capitalize.

Page 3, line 37, replace "which" with "that"

Page 3, line 37, define or delete "expressly"

Abigail M. Hammond
Commission Counsel

Page 4, line 2, define or delete “specifically”

Page 4, line 6, add a comma after “ordinance”

Page 4, line 13, delete “automatically”

Page 4, lines 14 thru 16, is this language still accurate? Verify and consider including a website that indicates it is free of charge. The language on line 16 should be deleted if the website has the information accessible for free.

Page 4, line 25, define or delete “expressly”

Page 5, lines 5 and 6, add a comma after “band”

1 **12 NCAC 09A .0103 DEFINITIONS**

2 The following definitions apply throughout Subchapters 12 NCAC 09A through 12 NCAC 09F, except as modified in 12
3 NCAC 09A .0107 for the purpose of the Commission's rule-making and administrative hearing procedures:

- 4 (1) "Agency" or "Criminal Justice Agency" means those state and local agencies identified in G.S. 17C-
5 2(2).
- 6 (2) "Alcohol Law Enforcement Agent" means a law enforcement officer appointed by the Secretary of the
7 Department of Crime Control and Public Safety as authorized by G.S. 18B-500.
- 8 (3) "Chief Court Counselor" means the person responsible for administration and supervision of juvenile
9 intake, probation and post-release supervision in each judicial district, operating under the supervision
10 of the Department of ~~Juvenile Justice and Delinquency Prevention~~ Public Safety, Division of Adult
11 Correction and Juvenile Justice.
- 12 (4) "Commission of an offense" means a finding by the North Carolina Criminal Justice Education and
13 Training Standards Commission or an administrative body that a person performed the acts necessary
14 to satisfy the elements of a specified criminal offense.
- 15 (5) "Convicted" or "Conviction" means and includes, for purposes of this Chapter, the entry of:
16 (a) a plea of guilty;
17 (b) a verdict or finding of guilt by a jury, judge, magistrate, or other adjudicating body, tribunal,
18 or official, either civilian or military; or
19 (c) a plea of no contest, nolo contendere, or the equivalent.
- 20 (6) "Criminal Justice Officer(s)" means those officers identified in G.S. 17C-2(3) and excluding
21 ~~Correctional officers; officers and Probation/parole officers, and Probation/parole officers~~
22 ~~intermediate officers. The term "Probation/parole officers intermediate," as used in this Chapter has~~
23 ~~the same meaning as "Probation/parole officers surveillance" used in G.S. 17C-2(3).~~
- 24 (7) "Criminal Justice System" means the whole of the State and local criminal justice agencies described
25 in Item (1) of this Rule.
- 26 (8) "Department Head" means the chief administrator of any criminal justice agency and specifically
27 includes any chief of police or agency director. "Department Head" also includes a designee
28 appointed in writing by the Department head.
- 29 (9) "Director" means the Director of the Criminal Justice Standards Division of the North Carolina
30 Department of Justice.
- 31 (10) "Educational Points" means points earned toward the Professional Certificate Programs for studies
32 satisfactorily completed for semester hour or quarter hour credit at a regionally accredited institution
33 of higher learning. Each semester hour of college credit equals one educational point and each quarter
34 hour of college credit equals two-thirds of an educational point.
- 35 (11) "Enrolled" means that an individual is currently actively participating in an on-going presentation of a
36 Commission-certified basic training course that has not been concluded on the day probationary
37 certification expires. The term "currently actively participating" as used in this definition means:

- 1 (a) for law enforcement officers, that the officer is then attending an approved course
 2 presentation averaging a minimum of 12 hours of instruction each week; and
 3 (b) for Department of ~~Juvenile Justice and Delinquency Prevention~~ Public Safety, Division of
 4 Adult Correction and Juvenile Justice personnel, that the officer is then attending the last or
 5 final phase of the approved training course necessary for fully satisfying the total course
 6 completion requirements.

7 (12) "High School" means graduation from a high school that meets the compulsory attendance
 8 requirements in the jurisdiction in which the school is located.

9 (13) "In-Service Training" means any and all training prescribed in 12 NCAC 09E .0102 that must be
 10 satisfactorily completed by all certified law enforcement officers during each full calendar year of
 11 certification.

12 (14) "In-Service Training Coordinator" means the person designated by a law enforcement agency head to
 13 administer the agency's in-service training program.

14 (15) "Lateral Transfer" means the employment of a criminal justice officer, at any rank, by a criminal
 15 justice agency, based upon the officer's special qualifications or experience, without following the
 16 usual selection process established by the agency for basic officer positions.

17 (16) "Law Enforcement Code of Ethics" means that code adopted by the Commission on September 19,
 18 1973, that reads:

19 As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and
 20 property; to protect the innocent against deception, the weak against oppression or intimidation, and
 21 the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty,
 22 equality, and justice.

23 I will keep my private life unsullied as an example to all, and will behave in a manner that does not
 24 bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn, or
 25 ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought
 26 and deed both in my personal and official life, I will be exemplary in obeying the law and the
 27 regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me
 28 in my official capacity will be kept ever secret unless revelation is necessary in the performance of my
 29 duty.

30 I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations,
 31 animosities or friendships to influence my decisions. With no compromise for crime and with
 32 relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or
 33 favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.
 34 I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be
 35 held so long as I am true to the ethics of the police service. I will never engage in acts or corruption or
 36 bribery, nor will I condone such acts by other police officers. I will cooperate with all legally
 37 authorized agencies and their representatives in the pursuit of justice.

- 1 I know that I alone am responsible for my own standard of professional performance and will take
 2 every reasonable opportunity to enhance and improve my level of knowledge and competence.
 3 I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my
 4 chosen profession...law enforcement.
- 5 (17) "Juvenile Court Counselor" means a person responsible for intake services and court supervision
 6 services to juveniles under the supervision of the chief court counselor.
- 7 (18) "Juvenile Justice Officer" means persons designated by the Secretary of the Department of ~~Juvenile~~
 8 ~~Justice and Delinquency Prevention~~ Public Safety, Division of Adult Correction and Juvenile Justice
 9 to provide for the care and supervision of juveniles placed in the physical custody of the Department.
- 10 (19) "Law Enforcement Officer" means an appointee of a criminal justice agency or of the State or of any
 11 political subdivision of the State who, by virtue of his office, is empowered to make arrests for
 12 violations of the laws of this State. Specifically excluded from this title are sheriffs and their sworn
 13 appointees with arrest authority who are governed by the provisions of G.S. 17E.
- 14 (20) "Law Enforcement Training Points" means points earned toward the Law Enforcement Officers'
 15 Professional Certificate Program by successful completion of Commission-approved law enforcement
 16 training courses. Twenty classroom hours of Commission-approved law enforcement training equals
 17 one law enforcement training point.
- 18 (21) "LIDAR" means a speed-measuring instrument that electronically computes, from transmitted infrared
 19 light pulses, the speed of a vehicle under observation.
- 20 (22) "Local Confinement Personnel" means any officer, supervisor or administrator of a local confinement
 21 facility in North Carolina as defined in G.S. 153A-217; any officer, supervisor or administrator of a
 22 county confinement facility in North Carolina as defined in G.S. 153A-218; or, any officer, supervisor
 23 or administrator of a district confinement facility in North Carolina as defined in G.S. 153A-219.
- 24 (23) "Misdemeanor" means those criminal offenses not classified under the laws, statutes, or ordinances as
 25 felonies. Misdemeanor offenses are classified by the Commission as follows:
- 26 (a) "Class A Misdemeanor" means a misdemeanor committed or omitted in violation of any
 27 common law, duly enacted ordinance or criminal statute of this state that is not classified as a
 28 Class B Misdemeanor pursuant to Sub-item (23)(b) of this Rule. Class A Misdemeanor also
 29 includes any act committed or omitted in violation of any common law, duly enacted
 30 ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North
 31 Carolina, either civil or military, for which the maximum punishment allowable for the
 32 designated offense under the laws, statutes, or ordinances of the jurisdiction in which the
 33 offense occurred includes imprisonment for a term of not more than six months. Specifically
 34 excluded from this grouping of "Class A Misdemeanor" criminal offenses for jurisdictions
 35 other than North Carolina, are motor vehicle or traffic offenses designated as misdemeanors
 36 under the laws of other jurisdictions, or duly enacted ordinances of an authorized
 37 governmental entity with the exception of the offense of impaired driving which is expressly

1 included herein as a Class A Misdemeanor if the offender could have been sentenced for a
2 term of not more than six months. Also specifically included herein as a Class A
3 Misdemeanor is the offense of impaired driving, if the offender was sentenced under
4 punishment level three [G.S. 20-179(i)], level four [G.S. 20-179(j)], or level five [G.S.
5 20-179(k)]. Class A Misdemeanor shall also include acts committed or omitted in North
6 Carolina prior to October 1, 1994 in violation of any common law, duly enacted ordinance or
7 criminal statute, of this state for which the maximum punishment allowable for the designated
8 offense included imprisonment for a term of not more than six months.

9 (b) "Class B Misdemeanor" means an act committed or omitted in violation of any common law,
10 criminal statute, or criminal traffic code of this state that is classified as a Class B
11 Misdemeanor as set forth in the Class B Misdemeanor Manual as published by the North
12 Carolina Department of Justice which is hereby incorporated by reference and shall
13 automatically include any later amendments and editions of the incorporated material as
14 provided by G.S. 150B-21.6. Copies of the publication may be obtained from the North
15 Carolina Department of Justice, Post Office Box 629, Raleigh, North Carolina 27602. There
16 is no cost per manual at the time of adoption of this Rule. Class B Misdemeanor also
17 includes any act committed or omitted in violation of any common law, duly enacted
18 ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North
19 Carolina, either civil or military, for which the maximum punishment allowable for the
20 designated offense under the laws, statutes, or ordinances of the jurisdiction in which the
21 offense occurred includes imprisonment for a term of more than six months but not more than
22 two years. Specifically excluded from this grouping of "Class B Misdemeanor" criminal
23 offenses for jurisdictions other than North Carolina, are motor vehicle or traffic offenses
24 designated as being misdemeanors under the laws of other jurisdictions with the following
25 exceptions: Class B Misdemeanor does expressly include, either first or subsequent offenses
26 of driving while impaired if the maximum allowable punishment is for a term of more than
27 six months but not more than two years, driving while license permanently revoked or
28 permanently suspended, and those traffic offenses occurring in other jurisdictions which are
29 comparable to the traffic offenses specifically listed in the Class B Misdemeanor Manual.
30 "Class B Misdemeanor" shall also include acts committed or omitted in North Carolina prior
31 to October 1, 1994 in violation of any common law, duly enacted ordinance, criminal statute,
32 or criminal traffic code of this state for which the maximum punishment allowable for the
33 designated offense included imprisonment for a term of more than six months but not more
34 than two years.

35 (24) "Qualified Assistant" means an additional staff person designated as such by the School Director to
36 assist in the administration of a course when a certified institution or agency assigns additional

responsibilities to the certified School Director during the planning, development, and implementation of a certified course.

- (25) "Radar" means a speed-measuring instrument that transmits microwave energy in the 10,500 to 10,550 MHZ frequency (X) band or transmits microwave energy in the 24,050 to 24,250 MHZ frequency (K) band and either of which operates in the stationary or moving mode. "Radar" further means a speed-measuring instrument that transmits microwave energy in the 33,400 to 36,000 MHZ (Ka) band and operates in either the stationary or moving mode.
- (26) "Resident" means any youth committed to a facility operated by the Department of ~~Juvenile Justice and Delinquency Prevention~~. Public Safety, Division of Adult Correction and Juvenile Justice.
- (27) "School" or "criminal justice school" means an institution, college, university, academy, or agency that offers criminal justice, law enforcement, or traffic control and enforcement training for criminal justice officers or law enforcement officers. "School" includes the criminal justice training course curriculum, instructors, and facilities.
- (28) "School Director" means the person designated by the sponsoring institution or agency to administer the criminal justice school.
- (29) "Speed-Measuring Instruments" (SMI) means those devices or systems, including radar time-distance, and LIDAR, approved under authority of G.S. 17C-6(a)(13) for use in North Carolina in determining the speed of a vehicle under observation and particularly includes all named devices or systems as specifically referenced in the approved list of 12 NCAC 09C .0601.
- (30) "Standards Division" means the Criminal Justice Standards Division of the North Carolina Department of Justice.
- (31) "Time-Distance" means a speed-measuring instrument that electronically computes, from measurements of time and distance, the average speed of a vehicle under observation.

History Note: Authority G.S. 17C-2; 17C-6; 17C-10; 153A-217;
Eff. January 1, 1981;
Amended Eff. November 1, 1981; August 15, 1981;
Readopted Eff. July 1, 1982;
Temporary Amendment Eff. December 14, 1983 for a period of 120 days to expire on April 12, 1984;
Amended Eff. November 1, 1993; March 1, 1990; July 1, 1989;
Temporary Amendment Eff. October 1, 1994 for a period of 180 days to expire on April 1, 1995;
Amended Eff. August 1, 2000; April 1, 1999; August 1, 1998; January 1, 1995;
Temporary Amendment Eff. January 1, 2001;
Amended Eff. August 1, 2002; April 1, 2001;
Temporary Amendment Eff. April 15, 2003;
Amended Eff. January 1, 2006; June 1, 2005; April 1, 2004.

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 09G .0101

Agency: Criminal Justice Education and Training Standards Commission

Line 7, is the number “three” still correct or do the amendments make it “two”?

Line 9, add a comma after “officers”

Line 11, replace the semicolon after “referenced” with a period and capitalize “Only”

Line 14, is the citation to S.L. 2000-67 still necessary?

Counsel Note

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Rule Citation: 12 NCAC 09G .0102

Agency: Criminal Justice Education and Training Standards Commission

Line 6, delete “and includes,”

Line 24, define or delete “satisfactorily”

Line 31, replace “follows” with “the following set forth in G.S. or otherwise stated”

For all of the crimes, please verify the citations and the names.

Page 5, line 10, what is the clause related to? It does not appear to be part of a list. Please clarify.

Page 5, lines 11 and 16, replace “which” with “that”

Page 5, line 13 references the US Code. Please incorporate in accordance with G.S. 150B-21.6.

1 **12 NCAC 09G .0102 DEFINITIONS**

2 The following definitions apply throughout this Subchapter only:

- 3 (1) "Commission of an offense" means a finding by the North Carolina Criminal Justice Education and
4 Training Standards Commission or an administrative body that a person performed the acts necessary
5 to satisfy the elements of a specified offense.
- 6 (2) "Convicted" or "Conviction" means and includes, for purposes of this Subchapter, the entry of:
7 (a) a plea of guilty;
8 (b) a verdict or finding of guilt by a jury, judge, magistrate, or other duly constituted, established
9 adjudicating body, tribunal, or official, either civilian or military; or
10 (c) a plea of no contest, nolo contendere, or the equivalent.
- 11 (3) "Correctional Officer" means an employee of the North Carolina Department of ~~Correction, Division~~
12 ~~of Prisons, Public Safety, Division of Adult Correction and Juvenile Justice~~, responsible for the custody
13 of inmates or offenders.
- 14 (4) "Corrections Officer" means ~~any or all~~ either or both of the ~~three~~two classes of officers employed by
15 the North Carolina Department of ~~Correction, Public Safety, Division of Adult Correction and Juvenile~~
16 ~~Justice~~; correctional officer; officer or probation/parole officer; and probation/parole officer-
17 intermediate; officer.
- 18 (5) "Criminal Justice System" means the whole of the State and local criminal justice agencies including
19 the North Carolina Department of ~~Correction, Public Safety, Division of Adult Correction and Juvenile~~
20 Justice.
- 21 (6) "Director" means the Director of the Criminal Justice Standards Division of the North Carolina
22 Department of Justice.
- 23 (7) "Educational Points" means points earned toward the State Correction Officers' Professional
24 Certificate Program for studies satisfactorily completed for semester hour or quarter hour credit at a
25 regionally accredited institution of higher education. Each semester hour of college credit equals one
26 educational point and each quarter hour of college credit equals two-thirds of an educational point.
- 27 (8) "High School" means graduation from a high school that meets the compulsory attendance
28 requirements in the jurisdiction in which the school is located.
- 29 (9) "Misdemeanor" for corrections officers means those criminal offenses not classified under the laws,
30 statutes, or ordinances as felonies. Misdemeanor offenses for corrections officers are classified by the
31 Commission as follows:
- 32 (a) 14-2.5 Punishment for attempt (offenses that are Class A-1 misdemeanor)
- 33 (b) 14-27.7 Intercourse and sexual offenses with certain victims (If defendant is school
34 personnel other than a teacher, school administrator, student teacher or
35 coach)
- 36 (c) 14-32.1(f) Assault on handicapped persons
- 37 (d) 14-32.2(b)(4) Patient abuse and neglect, punishments

1	(e)	14-32.3	Exploitation by caretaker of disabled/elder adult in domestic setting;
2			resulting in loss of less than one thousand dollars (\$1000) (August 1, 2001-
3			December 1, 2005. Repealed December 1, 2005)
4	(f)	14-33(b)(9)	Assault, battery against sports official
5	(g)	14-33(c)	Assault, battery with circumstances
6	(h)	14-34	Assault by pointing a gun
7	(i)	14-34.6(a)	Assault on Emergency Personnel
8	(j)	14-54	Breaking or Entering into buildings generally (14-54(b))
9	(k)	14-72	Larceny of property; receiving stolen goods etc.; not more than one
10			thousand dollars (\$1000.00) (14-72(a))
11	(l)	14-72.1	Concealment of merchandise (14-72.1(e); 3rd or subsequent offense)
12	(m)	14-76	Larceny, mutilation, or destruction of public records/papers
13	(n)	CH 14 Art. 19A	False/fraudulent use of credit device (14-113.6)
14	(o)	CH 14 Art. 19B	Financial transaction card crime (14-113.17(a))
15	(p)	14-114(a)	Fraudulent disposal of personal property on which there is a security
16			interest
17	(q)	14-118	Blackmailing
18	(r)	14-118.2	Obtaining academic credit by fraudulent means (14-118.2(b))
19	(s)	14-122.1	Falsifying documents issued by a school (14-122.1(c))
20	(t)	14-127	Willful and wanton injury to real property
21	(u)	14-160	Willful and wanton injury to personal property greater than two hundred
22			dollars (\$200.00) (14-160(b))
23	(v)	14-190.5	Preparation of obscene photographs
24	(w)	14-190.9	Indecent Exposure
25	(x)	14-190.14	Displaying material harmful to minors (14-190.14(b))
26	(y)	14-190.15	Disseminating harmful material to minors (14-190.15(d))
27	(z)	14-202.2	Indecent liberties between children
28	(aa)	14-202.4	Taking indecent liberties with a student
29	(bb)	14-204	Prostitution (14-207;14-208)
30	(cc)	14-223	Resisting officers
31	(dd)	14-225	False, etc., reports to law enforcement agencies or officers
32	(ee)	14-230	Willfully failing to discharge duties
33	(ff)	14-231	Failing to make reports and discharge other duties
34	(gg)	14-232	Swearing falsely to official records
35	(hh)	14-239	Allowing prisoners to escape punishment
36	(ii)	14-255	Escape of working prisoners from custody
37	(jj)	14-256	Prison breach and escape

1	(kk)	14-258.1(b)	Furnishing certain contraband to inmates
2	(ll)	14-259	Harboring or aiding certain persons
3	(mm)	CH 14 Art. 34	Persuading inmates to escape; harboring fugitives (14-268)
4	(nn)	14-269.2	Weapons on campus or other educational property (14-269.2(d), (e) and
5			(f))
6	(oo)	14-269.3(a)	Weapons where alcoholic beverages are sold and consumed
7	(pp)	14-269.4	Weapons on state property and in courthouses
8	(qq)	14-269.6	Possession and sale of spring-loaded projectile knives prohibited (14-
9			269.6(b))
10	(rr)	14-277	Impersonation of a law-enforcement or other public officer verbally, by
11			displaying a badge or insignia, or by operating a red light (14-277 (d1) and
12			(e))
13	(ss)	14-277.2(a)	Weapons at parades, etc., prohibited
14	(tt)	14-277.3	Stalking (14-277.3(b))
15	(uu)	14-288.2(b)	Riot
16	(vv)	14-288.2(d)	Inciting to riot
17	(ww)	14-288.6(a)	Looting; trespassing during emergency
18	(xx)	14-288.7(c)	Transporting weapon or substance during emergency
19	(yy)	14-288.9(c)	Assault on emergency personnel; punishments
20	(zz)	14-315(a)	Selling or giving weapons to minors
21	(aaa)	14-315.1	Storage of firearms to protect minors
22	(bbb)	14-316.1	Contributing to delinquency
23	(ccc)	14-318.2	Child abuse
24	(ddd)	14-360	Cruelty to animals
25	(eee)	14-361	Instigating or promoting cruelty to animals
26	(fff)	14-401.14	Ethnic intimidation; teaching any technique to be used for (14-401.14(a)
27			and (b))
28	(ggg)	14-454(a) or (b)	Accessing computers
29	(hhh)	14-458	Computer trespass (Damage less than two thousand five hundred dollars
30			(\$2500.00)
31	(iii)	15A-266.11	Unauthorized use of DNA databank; willful disclosure (15A-266.11(a)
32			and (b))
33	(jjj)	15A-287	Interception and disclosure of wire etc. communications
34	(kkk)	15B-7(b)	Filing false or fraudulent application for compensation award
35	(lll)	18B-902(c)	False statements in application for ABC permit (18B-102(b))
36	(mmm)	20-37.8(a) & (c)	Fraudulent use of a fictitious name for a special identification card
37	(nnn)	20-102.1	False report of theft or conversion of a motor vehicle

1	(ooo)	20-111(5)	Fictitious name or address in application for registration
2	(ppp)	20-130.1	Use of red or blue lights on vehicles prohibited (20-130.1(e))
3	(qqq)	20-137.2	Operation of vehicles resembling law-enforcement vehicles (20-137.2(b))
4	(rrr)	20-138.1	Driving while impaired (punishment level 1 (20-179(g))or 2 (20-179(h))
5	(sss)	20-138.2I	Impaired driving in commercial vehicle (20-138.2(e))
6	(ttt)	20-141.5(a)	Speeding to elude arrest
7	(uuu)	20-166(b)	Duty to stop in event of accident or collision
8	(vvv)	20-166(c)	Duty to stop in event of accident or collision
9	(www)	20-166(c1)	Duty to stop in event of accident or collision
10	(xxx)	50B-4.1	Knowingly violating valid protective order
11	(yyy)	58-33-105	False statement in applications for insurance
12	(zzz)	58-81-5	Careless or negligent setting of fires
13	(aaaa)	62A-12	Misuse of 911 system
14	(bbbb)	90-95(d)(2)	Possession of schedule II, III, IV
15	(cccc)	90-95(d)(3)	Possession of Schedule V
16	(dddd)	90-95(d)(4)	Possession of Schedule VI (when punishable as Class 1 misdemeanor)
17	(eeee)	90-95(e)(4)	Conviction of 2 or more violations of Art. 5
18	(ffff)	90-95(e)(7)	Conviction of 2 or more violations of Art. 5
19	(gggg)	90-113.22	Possession of drug paraphernalia (90-113.22(b))
20	(hhhh)	90-113.23	Manufacture or delivery of drug paraphernalia (90-113.23(c))
21	(iiii)	97-88.2(a)	Misrepresentation to get worker's compensation payment
22	(jjjj)	108A-39(a)	Fraudulent misrepresentation of public assistance
23	(kkkk)	108A-53	Fraudulent misrepresentation of foster care and adoption assistance
24			payments
25	(llll)	108A-64(a)	Medical assistance recipient fraud; less than four hundred dollars
26			(\$400.00) (108-64(c)(2))
27	(mmmm)	108A-80	Recipient check register/list of all recipients of AFDC and state-county
28			special assistance (108A-80(b))
29	(nnnn)	108A-80	Recipient check register/ list of all recipients of AFDC and state-county
30			special assistance; political mailing list (108A-80(c))
31	(oooo)	113-290.1(a)(2)	Criminally negligent hunting; no bodily disfigurement
32	(pppp)	113-290.1(a)(3)	Criminally negligent hunting; bodily disfigurement
33	(qqqq)	113-290.1(a)(4)	Criminally negligent hunting; death results
34	(rrrr)	113-290.1(d)	Criminally negligent hunting; person convicted/suspended license
35	(ssss)	143-58.1(a)	Use of public purchase or contract for private benefit (143-58.1(c))
36	(tttt)	148-45(d)	Aiding escape or attempted escape from prison
37	(uuuu)	162-55	Injury to prisoner by jailer

(vvvv) Common-Law misdemeanors:

- (i) Going Armed to the Terror of the People
- (ii) Common-Law Mayhem
- (iii) False Imprisonment
- (iv) Common-Law Robbery
- (v) Common-Law Forgery
- (vi) Common-Law Uttering of Forged paper
- (vii) Forcible Trespass
- (viii) Unlawful Assembly

Common-Law Obstruction of Justice

(wwwv) Those offenses occurring in other jurisdictions which are comparable to the offenses specifically listed in (a) through (vvvv) of this Rule.

(xxxx) Any offense proscribed by 18 USC 922(g)(8) [Lautenburg Amendment] that would prohibit possessing a firearm or ammunition.

(10) "Pilot Courses" means those courses approved by the Education and Training Committee, consistent with 12 NCAC 09G .0404, which are utilized to develop new training course curricula.

(11) "Probation/Parole Officer" means an employee of the North Carolina Department of ~~Correction,~~ Division of Community Corrections, Public Safety, Division of Adult Correction and Juvenile Justice whose duties include supervising, evaluating, or otherwise instructing offenders placed on probation, parole, post release supervision, or assigned to any other community-based program operated by the Division of Adult Correction and Juvenile Justice.

~~(12) "Probation/Parole Officer Intermediate" means an employee of the North Carolina Department of Correction, Division of Community Corrections, other than a regular probation/parole officer who is trained in corrections techniques, and is an authorized representative of the courts of North Carolina and the Department of Correction, Division of Community Corrections, whose duties include supervising, investigating, reporting, and surveillance of serious offenders in an intensive probation, parole, or post release supervision program operated by the Division of Community Corrections.~~

~~(13)~~(12) "Qualified Assistant" means an additional staff person designated as such by the School Director to assist in the administration of a course when a certified institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of a certified course.

~~(14)~~(13) "School" means an institution, college, university, academy, or agency which offers penal or corrections training for correctional ~~officers,~~ officers or probation/parole officers, officers, or probation/parole officers intermediate. "School" includes the corrections training course curricula, instructors, and facilities.

1 ~~(15)~~(14) "School Director" means the person designated by the Secretary of the North Carolina Department of
2 ~~Correction~~ Public Safety, Division of Adult Correction and Juvenile Justice to administer the
3 "School."

4 ~~(16)~~(15) "Standards Division" means the Criminal Justice Standards Division of the North Carolina Department
5 of Justice.

6 ~~(17)~~(16) "State Corrections Training Points" means points earned toward the State Corrections Officers'
7 Professional Certificate Program by successful completion of Commission-approved corrections
8 training courses. 20 classroom hours of Commission-approved corrections training equals one State
9 Corrections training point.

10

11 *History Note:* *Authority G.S. 17C-2; 17C-6; 17C-10; 153A-217;*
12 *Temporary Adoption Eff. January 1, 2001;*
13 *Eff. August 1, 2002;*
14 *Amended Eff. April 1, 2009; August 1, 2004.*

15

1 **12 NCAC 09G .0202 CITIZENSHIP**

2 Every person employed as a correctional ~~officer, or~~ probation/parole officer, ~~or probation/parole officer-intermediate~~
3 ~~officer~~ by the North Carolina Department of ~~Correction~~ Public Safety, Division of Adult Correction and Juvenile Justice
4 shall be a citizen of the United States.

5

6 *History Note: Authority G.S. 17C-6; 17C-10;*
7 *Temporary Adoption Eff. January 1, 2001;*
8 *Eff. August 1, 2002;*
9 *Amended Eff. August 1, 2004.*

10

Counsel Note

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Rule Citation: 12 NCAC 09G .0203

Agency: Criminal Justice Education and Training Standards Commission

Line 5, the term "State" does not appear to be specific to North Carolina and should not be capitalized.

1 **12 NCAC 09G .0203 AGE**

2 (a) Every person employed as a correctional ~~officer, officer or~~ probation/parole ~~officer, or probation/parole officer-~~
3 ~~intermediate officer~~ by the North Carolina Department of ~~Correction~~ Public Safety, Division of Adult Correction and
4 Juvenile Justice shall be at least 20 years of age.

5 (b) Candidates shall document age through documents issued by any county, State, or federal government agency.

6

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

8 *Temporary Adoption Eff. January 1, 2001;*

9 *Eff. August 1, 2002;*

10 *Amended Eff. August 1, 2004.*

11

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Rule Citation: 12 NCAC 09G .0204

Agency: Criminal Justice Education and Training Standards Commission

Line 14, replace “which” with “that”

Line 14, delete the colon after “of”

Line 17, replace “will” with “may”

Line 18, the term “rule” appears to be referencing this specific rule, so please capitalize.

1 **12 NCAC 09G .0204 EDUCATION**

2 (a) Every person employed as a correctional officer by the North Carolina Department of ~~Correction~~ Public Safety,
 3 Division of Adult Correction and Juvenile Justice shall be a high school graduate or have passed the General Educational
 4 Development Test indicating high school equivalency.

5 (b) Every person employed as a probation/parole officer by the North Carolina Department of Correction shall be a
 6 graduate of a regionally accredited college or university and have attained at least the baccalaureate degree.

7 ~~(c) Every person employed as a probation/parole officer intermediate by the North Carolina Department of Correction~~
 8 ~~shall be a high school graduate or have passed the General Educational Development Test indicating high school~~
 9 ~~equivalency.~~

10 ~~(d)~~(c) Each applicant for employment as a corrections officer shall furnish to the North Carolina Department of
 11 Correction Public Safety, Division of Adult Correction and Juvenile Justice documentary evidence that the applicant has
 12 met the educational requirements for the corrections field of expected employment.

13 (1) Documentary evidence of educational requirements shall consist of official transcripts of courses
 14 completed or diplomas received from a school which meets the requirements of: the North Carolina
 15 Department of Public Instruction, the Division of Non-Public Instruction, a comparable out-of-state
 16 agency, or is a regionally accredited college or university. The Director of the Standards Division
 17 shall determine whether other types of documentation will be permitted in specific cases consistent
 18 with this rule. High school diplomas earned through correspondence enrollment are not recognized
 19 toward these minimum educational requirements.

20 (2) Documentary evidence of completion of the General Educational Development "GED" Test shall be
 21 satisfied by a certified copy of GED test results showing successful completion. A certified copy of a
 22 military GED diploma may be used as alternate evidence of GED completion.

23

24 *History Note: Authority G.S. 17C-6; 17C-10;*
 25 *Temporary Adoption Eff. January 1, 2001;*
 26 *Eff. August 1, 2002;*
 27 *Amended Eff. August 1, 2004.*

28

Counsel Note

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Rule Citation: 12 NCAC 09G .0205

Agency: Criminal Justice Education and Training Standards Commission

Lines 6 and 13, define or delete “properly”

1 **12 NCAC 09G .0205 PHYSICAL AND MENTAL STANDARDS**

2 (a) Every person employed as a correctional ~~officer~~, officer or probation/parole ~~officer~~, or ~~probation/parole officer-~~
3 ~~intermediate officer~~ by the North Carolina Department of ~~Correction~~ Public Safety, Division of Adult Correction and
4 Juvenile Justice shall have been examined and certified within one year prior to employment with the North Carolina
5 Department of ~~Correction~~ Public Safety, Division of Adult Correction and Juvenile Justice by a licensed physician,
6 physician's assistant, or nurse practitioner to meet the physical requirements to fulfill properly the officer's particular
7 responsibilities as stated in the essential job functions.

8 (b) Every person employed as a correctional ~~officer~~, officer or probation/parole ~~officer~~, or ~~probation/parole officer-~~
9 ~~intermediate officer~~ by the North Carolina Department of ~~Correction~~ Public Safety, Division of Adult Correction and
10 Juvenile Justice shall have been administered within one year prior to employment with the North Carolina Department of
11 ~~Correction~~ Public Safety, Division of Adult Correction and Juvenile Justice a psychological screening examination by a
12 clinical psychologist or psychiatrist licensed to practice in North Carolina to determine the officer's mental and emotional
13 suitability to fulfill properly the officer's particular responsibilities as stated in the essential job functions.

14

15 *History Note: Authority G.S. 17C-6; 17C-10;*
16 *Temporary Adoption Eff. January 1, 2001;*
17 *Eff. August 1, 2002;*
18 *Amended Eff. April 1, 2009; August 1, 2004.*

19

Counsel Note

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Rule Citation: 12 NCAC 09G .0206

Agency: Criminal Justice Education and Training Standards Commission

Line 4, delete the comma after “by” and replace “but not limited to” with “the following”

Line 8 references the US Code. Please incorporate in accordance with G.S. 150B-21.6.

Line 13, replace “which” with “that”

Lines 14 thru 18 seems cumbersome. Is there a less ambiguous way to provide this information? Is there something that should be incorporated? What is the purpose of this statement?

Line 19, add “the following” after “of”

Line 23 references an application process. Where is this application process described? Consider adding a cross-reference to another rule to provide additional information.

1 **12 NCAC 09G .0206 MORAL CHARACTER**

2 Every person employed as a correctional ~~officer~~, officer or probation/parole ~~officer~~, or ~~probation/parole officer~~-
3 ~~intermediate officer~~ by the Department of Public Safety, Division of Adult Correction and Juvenile Justice shall
4 demonstrate good moral character as evidenced by, but not limited to:

- 5 (1) not having been convicted of a felony;
- 6 (2) not having been convicted of a misdemeanor as defined in 12 NCAC 09G .0102(9) for three years or
7 the completion of any corrections supervision imposed by the courts whichever is later;
- 8 (3) not having been convicted of an offense that, under 18 USC 922,
9 (<http://codes.lp.findlaw.com/uscode/18/I/44/922>) would prohibit the possession of a firearm or
10 ammunition;
- 11 (4) having submitted to and produced a negative result on a drug test within 60 days of employment or any
12 in-service drug screening required by the Department of Public Safety, Division of Adult Correction
13 and Juvenile Justice which meets the certification standards of the Department of Health and Human
14 Services for Federal Workplace Drug Testing Programs. A list of certified drug testing labs may be
15 obtained from National Institute on Drug Abuse, 5600 Fisher Lane, Rockville, Maryland 20857 at no
16 cost, (http://workplace.samhsa.gov/DrugTesting/Level_1_Pages/CertifiedLabs.html) to detect the
17 illegal use of at least cannabis, cocaine, phencyclidine (PCP), opiates and amphetamines or their
18 metabolites;
- 19 (5) submitting to a background investigation consisting of:
- 20 (a) verification of age;
- 21 (b) verification of education; and
- 22 (c) criminal history check of local, state, and national files; and
- 23 (6) being truthful in providing all required information as prescribed by the application process.

24

25 *History Note: Authority G.S. 17C-6; 17C-10;*
26 *Temporary Adoption Eff. January 1, 2001;*
27 *Eff. August 1, 2002;*
28 *Amended Eff. June 1, 2012; April 1, 2009; August 1, 2004.*

29

Counsel Note

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Rule Citation: 12 NCAC 09G .0301

Agency: Criminal Justice Education and Training Standards Commission

For this rule, it states that officers have to be certified in accordance with these rules. It further states that the Commission shall certify based upon qualifications and experience. Is the standard being applied by the Commission set forth in a statute or a rule? Consider adding a cross-reference to another rule to provide additional information.

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SECTION .0300 - CERTIFICATION OF CORRECTIONAL OFFICERS, PROBATION/PAROLE OFFICERS, ~~PROBATION/PAROLE OFFICERS-INTERMEDIATE,~~ AND INSTRUCTORS

12 NCAC 09G .0301 ~~CERTIFICATION OF CORRECTIONAL OFFICERS, OFFICERS AND PROBATION/PAROLE OFFICERS, AND PROBATION/PAROLE OFFICERS-INTERMEDIATE OFFICERS.~~

Every person employed as a correctional ~~officer,~~ officer or probation/parole ~~officer, or probation/parole officer-~~ intermediate officer shall be certified as prescribed by the Rules of this Section. The Commission shall certify an officer as either a probationary officer or general officer based on the officer's qualifications and experience.

*History Note: Authority G.S. 17C-6; 17C-10;
 Temporary Adoption Eff. January 1, 2001;
 Eff. August 1, 2002;
 Amended Eff. August 1, 2004.*

Counsel Note

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Rule Citation: 12 NCAC 09G .0302

Agency: Criminal Justice Education and Training Standards Commission

Line 5, define or delete “specifically”

Line 6, replace the first “must” with “shall” and delete the second “must”

Line 7, add a comma after “disposition”

Line 8, replace “must” with “shall”

Line 13, delete the “or” and replace the “and” with an “or”

Line 16, replace “is” with “shall be”

1 **12 NCAC 09G .0302 NOTIFICATION OF CRIMINAL CHARGES/CONVICTIONS**

2 (a) Every person employed and certified as a correctional ~~officer~~, officer or probation/parole ~~officer~~, or probation/parole
3 ~~officer-intermediate~~ officer shall notify the Standards Division of all criminal offenses for which the officer is charged,
4 arrested, pleads no contest, pleads guilty, or of which the officer is found guilty. Criminal offenses shall include all
5 felony offenses and shall specifically include those misdemeanor offenses delineated in 12 NCAC 09G .0102.

6 (b) The notifications required under this Rule must be in writing, must specify the nature of the offense, the court in
7 which the case was handled, the date of arrest or criminal charge, the final disposition and the date thereof. The
8 notifications required under this Subparagraph must be received by the Standards Division within 30 days of the date the
9 case was disposed of in court.

10 (c) The requirements of this Rule shall be applicable at all times during which the officer is certified by the Commission.

11 (d) Officers required to notify the Standards Division under this Rule shall also make the same notification to their
12 employing or appointing executive officer within 20 days of the date the case was disposed of in court. The executive
13 officer, provided he has knowledge of the officer's arrest(s), or criminal charge(s), and final disposition(s), shall also
14 notify the Standards Division of all arrests or criminal convictions within 30 days of the date of the arrest and within 30
15 days of the date the case was disposed of in court. Receipt by the Standards Division of a single notification, from either
16 the officer or the executive officer, is sufficient notice for compliance with this Rule.

17

18 *History Note: Authority G.S. 17C-6;*
19 *Temporary Adoption Eff. January 1, 2001;*
20 *Eff. August 1, 2002;*
21 *Amended Eff. August 1, 2004.*

22

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Rule Citation: 12 NCAC 09G .0303

Agency: Criminal Justice Education and Training Standards Commission

Line 4, is the "commission" referenced the Criminal Justice Education and Training Standards Commission. If so, please capitalize the term.

Lines 6 and 9, is the referenced application the correct name? The use of the "/" seems improper. Is this information contained in another rule? Consider adding a cross-reference to another rule to provide additional information.

Line 10 references a "person" and line 12 references an "officer" Should these terms be the same?

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

- 2 (a) A prospective employee may commence active service as a correctional ~~officer~~, officer or probation/parole ~~officer~~, or
3 ~~probation/parole officer-intermediate officer~~ at the time of employment.
- 4 (b) Within 90 days of appointment to a position for which the commission requires certification, the North Carolina
5 Department of ~~Correction~~ Public Safety, Division of Adult Correction and Juvenile Justice shall submit a completed
6 Report of Appointment/Application for Certification to the Standards Division.
- 7 (c) The Commission shall certify as a probationary officer a person meeting the standards for certification when the
8 North Carolina Department of ~~Correction~~ Public Safety, Division of Adult Correction and Juvenile Justice submits a
9 completed Report of Appointment/Application for Certification to the Standards Division.
- 10 (d) The Standards Division shall issue the person's Probationary Certification to the North Carolina Department of
11 ~~Correction~~. Public Safety, Division of Adult Correction and Juvenile Justice.
- 12 (e) The officer's Probationary Certification shall remain valid for one year from the date the certification is issued by the
13 Standards Division unless sooner suspended or revoked pursuant to Rule .0503 of this Subchapter or the officer has
14 attained General Certification.
- 15 (f) Documentation of Probationary Certification shall be maintained with the officer's personnel records with the North
16 Carolina Department of ~~Correction~~ Public Safety, Division of Adult Correction and Juvenile Justice and the Commission.

17

18 *History Note: Authority G.S. 17C-6; 17C-10;*
19 *Temporary Adoption Eff. January 1, 2001;*
20 *Eff. August 1, 2002;*
21 *Amended Eff. August 1, 2004.*

22

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Rule Citation: 12 NCAC 09G .0304

Agency: Criminal Justice Education and Training Standards Commission

Lines 3 and 24, define or delete “successfully”

Lines 4 and 26 reference “other requirements for General Certification” Is this information contained in another rule? Consider adding a cross-reference to another rule to provide additional information.

Line 5, delete “continuously” as the term is used earlier in the sentence.

Line 12, what that is the purpose of the term “continuous”? Consider defining or deleting.

1 **12 NCAC 09G .0304 GENERAL CERTIFICATION**

2 (a) The Commission shall grant an officer General Certification when evidence is received by the Standards Division
3 that an officer has successfully completed the training requirements of 12 NCAC 09G .0410, .0411, .0412, or .0413
4 within the officer's probationary period and the officer has met all other requirements for General Certification.

5 (b) General Certification is continuous from the date of issuance, so long as the certified officer remains continuously
6 employed as a correctional officer, ~~officer or probation/parole officer, officer or probation/parole officer-intermediate~~ in
7 good standing with the North Carolina Department of ~~Correction~~ Public Safety, Division of Adult Correction and
8 Juvenile Justice and the certification has not been suspended or revoked pursuant to Rule .0503 of this Subchapter.

9 (c) Certified officers who, through promotional opportunities, move into non-certified positions within the Department,
10 may have their certification reinstated without re-completion of the basic training requirements of 12 NCAC 09G .0410,
11 .0411, .0412, or .0413, and are exempted from reverification of employment standards of 12 NCAC 09G .0202 through
12 .0206 when returning to a position requiring certification if they have maintained continuous employment within the
13 Department.

14 (d) Documentation of General Certification shall be maintained with the officer's personnel records with the North
15 Carolina Department of ~~Correction~~ Public Safety, Division of Adult Correction and Juvenile Justice and the Commission.

16 (e) Upon transfer of a certified officer from one type of corrections officer to another, the North Carolina Department of
17 ~~Correction~~ Public Safety, Division of Adult Correction and Juvenile Justice shall submit a Notice of Transfer to the
18 Standards Division.

19 (1) Upon receipt of the Notice of Transfer, the Standards Division shall cancel the officer's current
20 General Certification and upon receipt of documentary evidence that the officer has met the requisite
21 standards for the specified type of corrections officer certification, the Commission shall issue
22 Probationary Certification reflecting the officer's new corrections position.

23 (2) The Commission shall grant an officer General Certification as the new type of corrections officer
24 when evidence is received by the Standards Division that an officer has successfully completed the
25 training requirements of 12 NCAC 09G .0410, .0411, .0412, or .0413 within the officer's probationary
26 period and the officer has met all other requirements for General Certification.

27

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

29 *Temporary Adoption Eff. January 1, 2001;*

30 *Eff. August 1, 2002;*

31 *Amended Eff. August 1, 2004.*

32

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Rule Citation: 12 NCAC 09G .0306

Agency: Criminal Justice Education and Training Standards Commission

Line 7, is the referenced application the correct name? The use of the “/” seems improper.

Line 7, add a comma after “Certification”

Line 17, replace “include, but not limited to,” with “including”

1 **12 NCAC 09G .0306 RETENTION OF RECORDS OF CERTIFICATION**

2 (a) The North Carolina Department of ~~Correction~~ Public Safety, Division of Adult Correction and Juvenile Justice shall
3 place in the officer's certification file the official notification from the Commission of either Probationary or General
4 Certification for each correctional officer, probation/parole ~~officer, officer~~ and probation/parole officer-intermediate
5 employed or appointed by the North Carolina Department of ~~Correction~~. Public Safety, Division of Adult Correction and
6 Juvenile Justice. The certification file shall also contain:

- 7 (1) the officer's Report of Appointment/Application for Certification including the State Personnel
8 Application;
- 9 (2) the officer's Medical History Statement and Medical Examination Report;
- 10 (3) documentation of the officer's drug screening results;
- 11 (4) documentation of the officer's educational achievements;
- 12 (5) documentation of all corrections training completed by the officer;
- 13 (6) documentation of the officer's psychological examination results;
- 14 (7) documentation and verification of the officer's age;
- 15 (8) documentation and verification of the officer's citizenship;
- 16 (9) documentation of any prior criminal record; and
- 17 (10) miscellaneous documents to include, but not limited to, letters, investigative reports, and subsequent
18 charges and convictions.

19 (b) All files and documents relating to an officer's certification shall be available for examination and utilization at any
20 reasonable time by representatives of the Commission for the purpose of verifying compliance with the Rules in this
21 Subchapter. These records shall be maintained in compliance with the North Carolina Department of ~~Correction's~~ Public
22 Safety, Division of Adult Correction and Juvenile Justice's Records Retention Schedule.

23

24 *History Note: Authority G.S. 17C-2; 17C-6;*
25 *Temporary Adoption Eff. January 1, 2001;*
26 *Eff. August 1, 2002;*
27 *Amended Eff. August 1, 2004.*

28

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 09G .0504

Agency: Criminal Justice Education and Training Standards Commission

Line 18 references “offense involving moral turpitude.” Are these defined somewhere is a rule or statute that should be incorporated?

Lines 24 and 27, add a comma after “misrepresentation”

Line 25, add a comma after “training”

Page 2, line 7, is the program referenced correct? Is the correct name “Campus and Company Police Program”? Please verify.

Page 2, line 11, the citation is to “Subchapter 09G.” That is correct, but slightly confusing. Consider using the phrase “of this Subchapter.”

1 **12 NCAC 09G .0504 SUSPENSION: REVOCATION: OR DENIAL OF CERTIFICATION**

2 (a) The Commission shall revoke the certification of a correctional ~~officer, officer or~~ probation/parole ~~officer, or officer~~
3 ~~probation/parole officer-intermediate~~ when the Commission finds that the officer has committed or been convicted of a
4 felony offense.

5 (b) The Commission may, based on the evidence for each case, suspend, revoke, or deny the certification of a corrections
6 officer when the Commission finds that the applicant for certification or the certified officer:

- 7 (1) has not enrolled in and satisfactorily completed the required basic training course in its entirety within
8 prescribed time periods relevant or applicable to a specified position or job title;
- 9 (2) fails to meet or maintain one or more of the employment standards required by 12 NCAC 09G .0200
10 for the category of the officer's certification or fails to meet or maintain one or more of the training
11 standards required by 12 NCAC 09G .0400 for the category of the officer's certification;
- 12 (3) has committed or been convicted of a misdemeanor as defined in 12 NCAC 09G .0102 after
13 certification;
- 14 (4) has been discharged by the North Carolina Department of ~~Correction~~ Public Safety, Division of Adult
15 Correction and Juvenile Justice for:
16 (A) commission or conviction of a motor vehicle offense requiring the revocation of the officer's
17 drivers license; or
18 (B) commission or conviction of any other offense involving moral turpitude;
- 19 (5) has been discharged by the North Carolina Department of ~~Correction~~ Public Safety, Division of Adult
20 Correction and Juvenile Justice because the officer lacks the mental or physical capabilities to fulfill
21 the responsibilities of a corrections officer;
- 22 (6) has knowingly made a material misrepresentation of any information required for certification or
23 accreditation;
- 24 (7) has knowingly and willfully, by any means of false pretense, deception, fraud, misrepresentation or
25 cheating whatsoever, obtained or attempted to obtain credit, training or certification from the
26 Commission;
- 27 (8) has knowingly and willfully, by any means of false pretense, deception, fraud, misrepresentation or
28 cheating whatsoever, aided another person in obtaining or attempting to obtain credit, training, or
29 certification from the Commission;
- 30 (9) has failed to notify the Standards Division of all criminal charges or convictions as required by 12
31 NCAC 09G .0302;
- 32 (10) has been removed from office by decree of the Superior Court in accord with the provisions of G.S.
33 128-16 or has been removed from office by sentence of the court in accord with the provisions of G.S.
34 14-230;
- 35 (11) has refused to submit to an applicant drug screen as required by 12 NCAC 09G .0206; or has refused
36 to submit to an in-service drug screen pursuant to the guidelines set forth in the Drug Screening

1 Implementation Guide as required by the Department of ~~Correction~~; Public Safety, Division of Adult
2 Correction and Juvenile Justice;

3 (12) has produced a positive result on a drug screen reported to the Commission as specified in 12 NCAC
4 09G .0206(3), where the positive result cannot be explained to the Commission's satisfaction; or

5 (13) has been denied certification or had such certification suspended or revoked by a previous action of
6 the North Carolina Criminal Justice Education and Training Standards Commission, the North
7 Carolina Company/Campus Police Program, the North Carolina Sheriffs' Education and Training
8 Standards Commission, or a similar North Carolina, out of state or federal approving, certifying or
9 licensing agency whose function is the same or similar to the aforementioned agencies if such
10 certification was denied, suspended or revoked based on grounds that would constitute a violation of
11 Subchapter 09G.

12 (c) Following suspension, revocation, or denial of the person's certification, the person shall not remain employed or
13 appointed as a corrections officer and the person shall not exercise any authority of a corrections officer during a period
14 for which the person's certification is suspended, revoked, or denied.

15
16 *History Note: Authority G.S. 17C-6; 17C-10;*
17 *Temporary Adoption Eff. January 1, 2001;*
18 *Eff. August 1, 2002;*
19 *Amended Eff. April 1, 2009; December 1, 2004; August 1, 2004.*

20

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.

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Rule Citation: 12 NCAC 09G .0602

Agency: Criminal Justice Education and Training Standards Commission

Line 4, define or delete “presently”

Line 4, add “a” between “hold general”

Line 7, is the program referenced correct? Is the correct name “Campus and Company Police Program”? Please verify.

Line 17, define or delete “successfully”

Line 21, is the term “continuous” necessary? Consider deleting.

Line 24, replace “which” with “that”

Line 28, add “and” after “point;”

1 **12 NCAC 09G .0602 GENERAL PROVISIONS**

2 (a) In order to be eligible for one or more of the professional awards, an officer shall first meet the following preliminary
3 qualifications:

4 (1) The officer shall presently hold general correctional officer certification. A person serving under a
5 probationary certification is not eligible for consideration. An officer subject to suspension or
6 revocation proceedings or under investigation for possible decertification action by the Commission,
7 the Company and Campus Police Program, or the North Carolina Sheriffs' Education and Training
8 Standards Commission shall not be eligible for professional awards for the pendency of the
9 proceeding.

10 (2) The officer shall hold general certification with the Commission in one of the following categories:

11 (A) ~~correctional officer;~~ officer; or

12 (B) ~~probation/parole officer;~~ or officer.

13 (C) ~~probation/parole officer intermediate.~~

14 (3) The officer shall be a permanent, full-time, paid employee of the Department of Public Safety,
15 Division of Adult ~~Correction.~~ Correction and Juvenile Justice.

16 (4) Permanent, paid employees of the Department of Public Safety, Division of Adult Correction and
17 Juvenile Justice who have successfully completed a Commission-certified corrections officer basic
18 training program and have previously held general certification as specified in 12 NCAC 09G
19 .0602(a)(1) and 12 NCAC 09G .0602(a)(2), but are presently, by virtue of promotion or transfer,
20 serving in positions not subject to certification are eligible to participate in the professional certificate
21 program. Eligibility for this exception requires continuous employment with the Department of Public
22 Safety, Division of Adult Correction and Juvenile Justice from the date of promotion or transfer from a
23 certified position to the date of application for a professional certificate.

24 (b) Awards are based upon a formula which combines formal education, corrections training, and actual experience as a
25 corrections officer. Points are computed in the following manner:

26 (1) each semester hour of college credit shall equal one point and each quarter hour shall equal two-thirds
27 of a point;

28 (2) 20 classroom hours of Commission-approved corrections training shall equal one point;

29 (3) only experience as a permanent, paid employee of the Department of Public Safety, Division of Adult
30 Correction and Juvenile Justice or the equivalent experience as determined by the Commission shall be
31 acceptable of consideration.

32 Point requirements for each award are described in 12 NCAC 09G .0604 and .0605.

33 (c) Certificates shall be awarded in an officer's area of expertise only. The State Corrections Certificate is appropriate
34 for permanent, paid corrections employees employed by the Department of Public Safety, Division of Adult ~~Correction.~~
35 Correction and Juvenile Justice.

36
37 *History Note: Authority G.S. 17C-6;*

- 1 *Temporary Adoption Eff. January 1, 2001;*
- 2 *Eff. August 1, 2002;*
- 3 *Amended Eff. June 1, 2012; August 1, 2004.*
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