


# 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 .0203	
<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-6; 17C-10</b>	
<b>(1b) Why is this rule necessary to serve the public interest? This rule establishes guidelines for trainees in obtaining admission in NCCJETS Commission training courses.</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 established minimum standards with regard to age, education and criminal record requirements in order to ensure</b>	
<b>(3) Why is the rule reasonably necessary to implement or interpret federal or state law? The rule revision allows an additional option (the NC Community Colleges NCDAP test ) for prospective students in meeting the 10<sup>th</sup> grade reading level requirement.</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 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? The rule ensures qualified candidates are enrolled in Commission courses, without adding additional fees for assessment testing.</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 - CJETS  <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 .0203**

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

Line 16, replace “reading/English” with “reading or English”

Line 18 references tests approved by the State Board of Community Colleges. Is this information contained in another rule? Consider adding a cross-reference to another rule to provide additional information.

Line 21, delete “currently”

Line 24, add a comma after “stanines”

Line 31, define or delete “timely”

Page 2, line 25, replace “which” with “when”

Page 2, lines 26 and 31, replace “which” with “that”

Page 2, line 28, delete “specifically”

Page 2, line 37, replace “must” with “shall”

Page 3, line 1, delete “must”

Page 3, line 3, replace “must” with “shall”

1    **12 NCAC 09B .0203       ADMISSION OF TRAINEES**

2    (a) The school director shall not admit any individual as a trainee in a presentation of the Basic Law Enforcement  
3    Training Course who is not a citizen of the United States.

4    (b) The school shall not admit any individual younger than 20 years of age as a trainee in any non-academic basic  
5    criminal justice training course. Individuals under 20 years of age may be granted authorization for early enrollment as  
6    trainees in a presentation of the Basic Law Enforcement Training Course with prior written approval from the Director of  
7    the Standards Division. The Director shall approve early enrollment as long as the individual turns 20 years of age prior  
8    to the date of the State Comprehensive Examination for the course.

9    (c) The school shall give priority admission in certified criminal justice training courses to individuals holding full-time  
10   employment with criminal justice agencies.

11   (d) The school shall not admit any individual as a trainee in a presentation of the "Criminal Justice Instructor Training  
12   Course" who does not meet the education and experience requirements for instructor certification under Rule .0302 of  
13   this Subchapter within 60 days of successful completion of the Instructor Training State Comprehensive Examination.

14   (e) The school shall not admit an individual, including partial or limited enrollees, as a trainee in a presentation of the  
15   Basic Law Enforcement Training Course unless the individual within one year prior to admission to Basic law  
16   Enforcement Training places into the highest developmental reading/English course at a North Carolina Community  
17   College as a result of taking the Reading and English component of the North Carolina Diagnostic Assessment and  
18   Placement test as approved by the State Board of Community Colleges, or has taken the reading component of a  
19   nationally standardized test within one year prior to admission to Basic Law Enforcement Training and has scored at or  
20   above the tenth grade level or the equivalent. For the purposes of this Rule:

21       (1)     Partial or limited enrollee does not include enrollees who currently hold general certification or who  
22       have held general certification within 12 months prior to the date of enrollment.

23       (2)     A nationally standardized test is a test that:

24           (A)     reports scores as national percentiles, stanines or grade equivalents; and

25           (B)     compares student test results to a national norm.

26   (f) The school shall not admit any individual as a trainee in a presentation of the Basic Law Enforcement Training  
27   Course unless the individual has provided to the School Director a medical examination report, completed by a physician  
28   licensed to practice medicine in North Carolina, a physician's assistant, or a nurse practitioner, to determine the  
29   individual's fitness to perform the essential job functions of a criminal justice officer. The Director of the Standards  
30   Division shall grant an exception to this standard for a period of time not to exceed the commencement of the physical  
31   fitness topical area when failure to timely receive the medical examination report is not due to neglect on the part of the  
32   trainee.

33   (g) The school shall not admit any individual as a trainee in a presentation of the Basic Law Enforcement Training  
34   Course unless the individual is a high school graduate or has passed the General Educational Development Test  
35   indicating high school equivalency. High school diplomas earned through correspondence enrollment are not recognized  
36   toward the educational requirements.

1 (h) The school shall not admit any individual trainee in a presentation of the Basic Law Enforcement Training Course  
2 unless the individual has provided the certified School Director a certified criminal record check for local and state  
3 records for the time period since the trainee has become an adult and from all locations where the trainee has resided  
4 since becoming an adult. An Administrative Office of the Courts criminal record check or a comparable out-of-state  
5 criminal record check will satisfy this requirement.

6 (i) The school shall not admit any individual as a trainee in a presentation of the Basic Law Enforcement Training  
7 Course who has been convicted of the following:

- 8 (1) a felony;
- 9 (2) a crime for which the punishment could have been imprisonment for more than two years;
- 10 (3) a crime or unlawful act defined as a "Class B Misdemeanor" within the five year period prior to the  
11 date of application for employment unless the individual intends to seek certification through the North  
12 Carolina Sheriffs' Education and Training Standards Commission;
- 13 (4) four or more crimes or unlawful acts defined as "Class B Misdemeanors" regardless of the date of  
14 conviction;
- 15 (5) four or more crimes or unlawful acts defined as "Class A Misdemeanors" except the trainee may be  
16 enrolled if the last conviction date occurred more than two years prior to the date of enrollment;
- 17 (6) a combination of four or more "Class A Misdemeanors" or "Class B Misdemeanors" regardless of the  
18 date of conviction unless the individual intends to seek certification through the North Carolina  
19 Criminal Justice Education and Training Standards Commission.

20 (j) Individuals charged with crimes as specified in Paragraph (i) of this Rule, and such offenses were dismissed or the  
21 person was found not guilty, may be admitted into the Basic Law Enforcement Training Course but completion of the  
22 Basic Law Enforcement Training Course does not ensure that certification as a law enforcement officer or justice officer  
23 through the North Carolina Criminal Justice Education and Training Standards Commission will be issued. Every  
24 individual who is admitted as a trainee in a presentation of the Basic Law Enforcement Training Course shall notify the  
25 School Director of all criminal offenses which the trainee is arrested for or charged with, pleads no contest to, pleads  
26 guilty to or is found guilty of, and of all Domestic Violence Orders (G.S. 50B) which are issued by a judicial official after  
27 a hearing that provides an opportunity for both parties to be present. This includes all criminal offenses except minor  
28 traffic offenses and specifically includes any offense of Driving Under the Influence (DUI) or Driving While Impaired  
29 (DWI). A minor traffic offense is defined, for the purposes of this Paragraph, as an offense where the maximum  
30 punishment allowable by law is 60 days or fewer. Other offenses under G.S. 20 (Motor Vehicles) or similar laws of other  
31 jurisdictions which shall be reported to the School Director are G.S. 20-138.1 (driving while under the influence), G.S.  
32 20-28 (driving while license permanently revoked or permanently suspended), G.S. 20-30(5) (fictitious name or address  
33 in application for license or learner's permit), G.S. 20-37.8 (fraudulent use of a fictitious name for a special identification  
34 card), G.S. 20-102.1 (false report of theft or conversion of a motor vehicle), G.S. 20-111(5) (fictitious name or address in  
35 application for registration), G.S. 20-130.1 (unlawful use of red or blue lights), G.S. 20-137.2 (operation of vehicles  
36 resembling law enforcement vehicles), G.S. 20-141.3 (unlawful racing on streets and highways), G.S. 20-141.5 (speeding  
37 to elude arrest), and G.S. 20-166 (duty to stop in event of accident). The notifications required under this Paragraph must

1 be in writing, must specify the nature of the offense, the court in which the case was handled, the date of the arrest or  
2 criminal charge, the date of issuance of the Domestic Violence Order (G.S. 50B), the final disposition, and the date  
3 thereof. The notifications required under this Paragraph must be received by the School Director within 30 days of the  
4 date the case was finally disposed of in court. The requirements of this Paragraph are applicable at all times during which  
5 the trainee is enrolled in a Basic Law Enforcement Training Course. The requirements of this Paragraph are in addition  
6 to the notifications required under 12 NCAC 10B .0301 and 12 NCAC 09B .0101(8).

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

9 *Eff. January 1, 1981;*

10 *Amended Eff. June 1, 2012; February 1, 2011; June 1, 2010; December 1, 2004; July 1, 2004; August*  
11 *1, 2002; August 1, 2000; January 1, 1995; March 1, 1992; July 1, 1989; January 1, 1985.*