

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09A .0103

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 11, add a comma after "probation"

Page 2, lines 4 and 7, delete "then" so the phrase reads "is attending"

Page 2, line 12, delete "any and"

Page 3, line 25, add a comma after "supervisor"

Page 4, lines 2 and 30, define or delete "specifically"

Page 4, line 33, replace "does expressly include," with "includes the following:"

Page 4, line 34, insert "(1)" before "either"

Page 4, line 35, replace "years," with "years; (2)"

Page 4, line 36, replace "suspended," with "suspended;"

Page 4, line 36, insert "(3)" before "those"

Page 5, line 26, define or delete "specifically"

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

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Wednesday, November 26, 2014

1 **12 NCAC 09A .0103** is amended as published in Volume 29, Issue 5, pages 494-494:

2

3 **12 NCAC 09A .0103 DEFINITIONS**

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

6 (1) "Agency" or "Criminal Justice Agency" means those state and local agencies identified in G.S. 17C-
7 2(2).

8 (2) "Alcohol Law Enforcement Agent" means a law enforcement officer appointed by the Secretary of the
9 Department of Crime Control and Public Safety as authorized by G.S. 18B-500.

10 (3) "Chief Court Counselor" means the person responsible for administration and supervision of juvenile
11 intake, probation and post-release supervision in each judicial district, operating under the supervision
12 of the Department of ~~Juvenile Justice and Delinquency Prevention~~ Public Safety, Division of Adult
13 Correction and Juvenile Justice.

14 (4) "Commission of an offense" means a finding by the North Carolina Criminal Justice Education and
15 Training Standards Commission or an administrative body that a person performed the acts necessary
16 to satisfy the elements of a specified criminal offense.

17 (5) "Convicted" or "Conviction" ~~means and includes,~~ means, for purposes of this Chapter, the entry of:

18 (a) a plea of guilty;

19 (b) a verdict or finding of guilt by a jury, judge, magistrate, or other adjudicating body, tribunal,
20 or official, either civilian or military; or

21 (c) a plea of no contest, nolo contendere, or the equivalent.

22 (6) "Criminal Justice Officer(s)" means those officers identified in G.S. ~~17C-2(3)~~ 17C-2(3), and excluding
23 ~~Correctional officers; officers and Probation/parole probation/parole officers, and Probation/parole~~
24 ~~officers intermediate officers. The term "Probation/parole officers intermediate," as used in this~~
25 ~~Chapter has the same meaning as "Probation/parole officers surveillance" used in G.S. 17C-2(3).~~

26 (7) "Criminal Justice System" means the whole of the State and local criminal justice agencies described
27 in Item (1) of this Rule.

28 (8) "Department Head" means the chief administrator of any criminal justice ~~agency~~ agency, and
29 specifically includes any chief of police or agency director. "Department Head" also includes a
30 designee appointed in writing by the Department head.

31 (9) "Director" means the Director of the Criminal Justice Standards Division of the North Carolina
32 Department of Justice.

33 (10) "Educational Points" means points earned toward the Professional Certificate Programs for studies
34 ~~satisfactorily completed~~ completed, with passing scores achieved, for semester hour or quarter hour
35 credit at a regionally accredited institution of higher learning. Each semester hour of college credit
36 equals one educational point and each quarter hour of college credit equals two-thirds of an
37 educational point.

- 1 (11) "Enrolled" means that an individual is currently actively participating in an on-going presentation of a
 2 Commission-certified basic training course that has not ~~been~~ concluded on the day probationary
 3 certification expires. The term "currently actively participating" as used in this definition means:
 4 (a) for law enforcement officers, that the officer is then attending an approved course
 5 presentation averaging a minimum of 12 hours of instruction each week; and
 6 (b) for Department of ~~Juvenile Justice and Delinquency Prevention~~ Public Safety, Division of
 7 Adult Correction and Juvenile Justice personnel, that the officer is then attending the last or
 8 final phase of the approved training course necessary for ~~fully~~ satisfying the total course
 9 completion requirements.
- 10 (12) "High School" means graduation from a high school that meets the compulsory attendance
 11 requirements in the jurisdiction in which the school is located.
- 12 (13) "In-Service Training" means any and all training prescribed in 12 NCAC ~~09E-0102~~ 9B .0105 that
 13 must be ~~satisfactorily completed~~ completed, with passing scores achieved, by all certified law
 14 enforcement officers during each full calendar year of certification.
- 15 (14) "In-Service Training Coordinator" means the person designated by a law enforcement agency head to
 16 administer the agency's in-service training program.
- 17 (15) "Lateral Transfer" means the employment of a criminal justice officer, at any rank, by a criminal
 18 justice agency, based upon the officer's special qualifications or experience, without following the
 19 usual selection process established by the agency for basic officer positions.
- 20 (16) "Law Enforcement Code of Ethics" means ~~that the~~ the code adopted by the Commission on September 19,
 21 1973, that ~~reads:~~ reads as follows:
 22 As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and
 23 property; to protect the innocent against deception, the weak against oppression or intimidation, and
 24 the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty,
 25 equality, and justice.
 26 I will keep my private life unsullied as an example to all, and will behave in a manner that does not
 27 bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn, or
 28 ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought
 29 and deed both in my personal and official life, I will be exemplary in obeying the law and the
 30 regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me
 31 in my official capacity will be kept ever secret unless revelation is necessary in the performance of my
 32 duty.
 33 I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations,
 34 animosities or friendships to influence my decisions. With no compromise for crime and with
 35 relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or
 36 favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

1 I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be
 2 held so long as I am true to the ethics of the police service. I will never engage in acts or corruption or
 3 bribery, nor will I condone such acts by other police officers. I will cooperate with all legally
 4 authorized agencies and their representatives in the pursuit of justice.

5 I know that I alone am responsible for my own standard of professional performance and will take
 6 every reasonable opportunity to enhance and improve my level of knowledge and competence.

7 I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my
 8 chosen profession...law enforcement.

9 (17) "Juvenile Court Counselor" means a person responsible for intake services and court supervision
 10 services to juveniles under the supervision of the chief court counselor.

11 (18) "Juvenile Justice Officer" means persons designated by the Secretary of the Department of ~~Juvenile~~
 12 ~~Justice and Delinquency Prevention~~ Public Safety, Division of Adult Correction and Juvenile Justice
 13 to provide for the care and supervision of juveniles placed in the physical custody of the Department.

14 (19) "Law Enforcement Officer" means an appointee of a criminal justice agency or of the State or of any
 15 political subdivision of the State who, by virtue of his office, is empowered to make arrests for
 16 violations of the laws of this State. Specifically excluded from ~~this title~~ the title of "Law Enforcement
 17 Officer" are sheriffs and their sworn appointees with arrest authority who are governed by the
 18 provisions of G.S. 17E.

19 (20) "Law Enforcement Training Points" means points earned toward the Law Enforcement Officers'
 20 Professional Certificate Program by successful completion of Commission-approved law enforcement
 21 training courses. Twenty classroom hours of Commission-approved law enforcement training equals
 22 one law enforcement training point.

23 (21) "LIDAR" means a speed-measuring instrument that electronically computes, from transmitted infrared
 24 light pulses, the speed of a vehicle under observation.

25 (22) "Local Confinement Personnel" means any officer, supervisor or administrator of a local confinement
 26 facility in North Carolina as defined in G.S. 153A-217; any officer, supervisor or administrator of a
 27 county confinement facility in North Carolina as defined in G.S. 153A-218; or, any officer, supervisor
 28 or administrator of a district confinement facility in North Carolina as defined in G.S. 153A-219.

29 (23) "Misdemeanor" means those criminal offenses not classified under the laws, statutes, or ordinances as
 30 felonies. Misdemeanor offenses are classified by the Commission as follows:

31 (a) "Class A Misdemeanor" means a misdemeanor committed or omitted in violation of any
 32 common law, duly enacted ~~ordinance~~ ordinance, or criminal statute of this ~~state~~ State that is
 33 not classified as a Class B Misdemeanor pursuant to Sub-item (23)(b) of this Rule. Class A
 34 Misdemeanor also includes any act committed or omitted in violation of any common law,
 35 duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other
 36 than North Carolina, either civil or military, for which the maximum punishment allowable
 37 for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which

1 the offense occurred includes imprisonment for a term of not more than six months.
 2 Specifically excluded from this grouping of "Class A Misdemeanor" criminal offenses for
 3 jurisdictions other than North Carolina, are motor vehicle or traffic offenses designated as
 4 misdemeanors under the laws of other jurisdictions, or duly enacted ordinances of an
 5 authorized governmental entity with the exception of the offense of impaired driving ~~which~~
 6 that is expressly included herein as a Class A Misdemeanor if the offender could have been
 7 sentenced for a term of not more than six months. Also ~~specifically~~ included herein as a
 8 Class A Misdemeanor is the offense of impaired driving, if the offender was sentenced under
 9 punishment level three [G.S. 20-179(i)], level four [G.S. 20-179(j)], or level five [G.S.
 10 20-179(k)]. Class A Misdemeanor shall also include acts committed or omitted in North
 11 Carolina prior to October 1, 1994 in violation of any common law, duly enacted ~~ordinance~~
 12 ordinance, or criminal statute, of this ~~state~~ State for which the maximum punishment
 13 allowable for the designated offense included imprisonment for a term of not more than six
 14 months.

- 15 (b) "Class B Misdemeanor" means an act committed or omitted in violation of any common law,
 16 criminal statute, or criminal traffic code of this ~~state~~ State that is classified as a Class B
 17 Misdemeanor as set forth in the Class B Misdemeanor Manual as published by the North
 18 Carolina Department of Justice which is hereby incorporated by reference and shall
 19 ~~automatically~~ include any later amendments and editions of the incorporated material as
 20 provided by G.S. 150B-21.6. ~~Copies of the publication may be obtained from the North~~
 21 ~~Carolina Department of Justice, Post Office Box 629, Raleigh, North Carolina 27602. The~~
 22 publication is available from the Commission's website:
 23 [http://www.ncdoj.gov/getdoc/60bb12ca-47c0-48cb-a0e3-6095183c4c2a/Class-B-](http://www.ncdoj.gov/getdoc/60bb12ca-47c0-48cb-a0e3-6095183c4c2a/Class-B-Misdemeanor-Manual-2005.aspx)
 24 [Misdemeanor-Manual-2005.aspx](http://www.ncdoj.gov/getdoc/60bb12ca-47c0-48cb-a0e3-6095183c4c2a/Class-B-Misdemeanor-Manual-2005.aspx). ~~There is no cost per manual at the time of adoption of this~~
 25 ~~Rule.~~ Class B Misdemeanor also includes any act committed or omitted in violation of any
 26 common law, duly enacted ordinance, criminal statute, or criminal traffic code of any
 27 jurisdiction other than North Carolina, either civil or military, for which the maximum
 28 punishment allowable for the designated offense under the laws, statutes, or ordinances of the
 29 jurisdiction in which the offense occurred includes imprisonment for a term of more than six
 30 months but not more than two years. Specifically excluded from this grouping of "Class B
 31 Misdemeanor" criminal offenses for jurisdictions other than North Carolina, are motor
 32 vehicle or traffic offenses designated as being misdemeanors under the laws of other
 33 jurisdictions with the following exceptions: Class B Misdemeanor does ~~expressly~~ include,
 34 either first or subsequent offenses of driving while impaired if the maximum allowable
 35 punishment is for a term of more than six months but not more than two years, driving while
 36 license permanently revoked or permanently suspended, and those traffic offenses occurring
 37 in other jurisdictions which are comparable to the traffic offenses specifically listed in the

Class B Misdemeanor Manual. "Class B Misdemeanor" shall also include acts committed or omitted in North Carolina prior to October 1, 1994 in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of this ~~state~~ State for which the maximum punishment allowable for the designated offense included imprisonment for a term of more than six months but not more than two years.

- (24) "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.
- (25) "Radar" means a speed-measuring instrument that transmits microwave energy in the 10,500 to 10,550 MHZ frequency (X) ~~band~~ band, or transmits microwave energy in the 24,050 to 24,250 MHZ frequency (K) ~~band~~ 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;

1 *Temporary Amendment Eff. October 1, 1994 for a period of 180 days to expire on April 1, 1995;*
2 *Amended Eff. August 1, 2000; April 1, 1999; August 1, 1998; January 1, 1995;*
3 *Temporary Amendment Eff. January 1, 2001;*
4 *Amended Eff. August 1, 2002; April 1, 2001;*
5 *Temporary Amendment Eff. April 15, 2003;*
6 *Amended Eff. January 1, 2015; January 1, 2006; June 1, 2005; April 1, 2004.*
7

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0203

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 28, since a term is being defined, place quotation marks around "nationally standardized test"

Line 28, replace "is" with "means"

Line 33, why is the restriction that the doctor be licensed in NC specific to the doctor? This is not standard in Paragraph (a) of 12 NCAC 09G .0205.

Page 2, line 9, replace "will" with "shall"

Page 2, line 15, add a comma after "employment"

Page 2, line 19, replace "Class A Misdemeanors" with "Class A Misdemeanors," to add the comma

Page 2, line 22, add a comma after "unless"

Page 2, line 30, add a comma after "guilty to"

Page 2, line 33, since a term is being defined, place quotation marks around "minor traffic offense"

Page 2, line 35, replace "which" with "that"

Page 3, line 8, delete "finally" This term is not contained within 12 NCAC 09G .0302.

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

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Wednesday, November 26, 2014

1 **12 NCAC 09B .0203 is amended as published in Volume 29, Issue 5, pages 497-498, with changes:**

2

3 **12 NCAC 09B .0203 **ADMISSION OF TRAINEES****

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

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

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

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

16 (e) The school shall not admit an individual, including partial or limited enrollees, as a trainee in a presentation of
17 the Basic Law Enforcement Training Course unless the ~~individual~~ individual, within one year prior to admission to
18 Basic law Enforcement Training, places into course DRE 098 or above at a North Carolina Community College as a
19 result of taking the Reading and English component of the North Carolina Diagnostic Assessment and Placement test
20 as approved by the State Board of Community Colleges on ~~July 18, 2014~~October 17, 2014

21 [(

23 17-2014), or has taken the reading component of a nationally standardized test within one year prior to admission to
24 Basic Law Enforcement Training and has scored at or above the tenth grade level or the equivalent. For the
25 purposes of this Rule:

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

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

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

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

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

- 1 (g) The school shall not admit any individual as a trainee in a presentation of the Basic Law Enforcement Training
2 Course unless the individual is a high school graduate or has passed the General Educational Development Test
3 indicating high school equivalency. High school diplomas earned through correspondence enrollment are not recognized
4 toward the educational requirements.
- 5 (h) The school shall not admit any individual trainee in a presentation of the Basic Law Enforcement Training Course
6 unless the individual has provided the certified School Director a certified criminal record check for local and state
7 records for the time period since the trainee has become an adult and from all locations where the trainee has resided
8 since becoming an adult. An Administrative Office of the Courts criminal record check or a comparable out-of-state
9 criminal record check will satisfy this requirement.
- 10 (i) The school shall not admit any individual as a trainee in a presentation of the Basic Law Enforcement Training
11 Course who has been convicted of the following:
- 12 (1) a felony;
 - 13 (2) a crime for which the punishment could have been imprisonment for more than two years;
 - 14 (3) a crime or unlawful act defined as a "Class B Misdemeanor" within the five year period prior to the
15 date of application for employment unless the individual intends to seek certification through the North
16 Carolina Sheriffs' Education and Training Standards Commission;
 - 17 (4) four or more crimes or unlawful acts defined as "Class B Misdemeanors" regardless of the date of
18 conviction;
 - 19 (5) four or more crimes or unlawful acts defined as "Class A Misdemeanors" except the trainee may be
20 enrolled if the last conviction date occurred more than two years prior to the date of enrollment;
 - 21 (6) a combination of four or more "Class A Misdemeanors" or "Class B Misdemeanors" regardless of the
22 date of conviction unless the individual intends to seek certification through the North Carolina
23 Criminal Justice Education and Training Standards Commission.
- 24 (j) Individuals charged with crimes as specified in Paragraph (i) of this Rule, and such offenses were dismissed or the
25 person was found not guilty, may be admitted into the Basic Law Enforcement Training Course but completion of the
26 Basic Law Enforcement Training Course does not ensure that certification as a law enforcement officer or justice officer
27 through the North Carolina Criminal Justice Education and Training Standards Commission will be issued. Every
28 individual who is admitted as a trainee in a presentation of the Basic Law Enforcement Training Course shall notify the
29 School Director of all criminal offenses ~~which~~ the trainee is arrested for or charged with, pleads no contest to, pleads
30 guilty to or is found guilty of, and of all Domestic Violence Orders (G.S. 50B) ~~which that~~ are issued by a judicial official
31 after a hearing that provides an opportunity for both parties to be present. This includes all criminal offenses except
32 minor traffic offenses and ~~specifically~~ includes any offense of Driving Under the Influence (DUI) or Driving While
33 Impaired (DWI). A minor traffic offense is defined, for the purposes of this Paragraph, as an offense where the
34 maximum punishment allowable by law is 60 days or fewer. Other offenses under G.S. 20 (Motor Vehicles) or similar
35 laws of other jurisdictions which shall be reported to the School Director are G.S 20-138.1 (driving while under the
36 influence), G.S. 20-28 (driving while license permanently revoked or permanently suspended), G.S. 20-30(5) (fictitious
37 name or address in application for license or learner's permit), G.S. 20-37.8 (fraudulent use of a fictitious name for a

1 special identification card), G.S. 20-102.1 (false report of theft or conversion of a motor vehicle), G.S. 20-111(5)
2 (fictitious name or address in application for registration), G.S. 20-130.1 (unlawful use of red or blue lights), G.S. 20-
3 137.2 (operation of vehicles resembling law enforcement vehicles), G.S. 20-141.3 (unlawful racing on streets and
4 highways), G.S. 20-141.5 (speeding to elude arrest), and G.S. 20-166 (duty to stop in event of accident). The
5 notifications required under this Paragraph ~~must~~ shall be in writing, ~~must~~ specify the nature of the offense, the court in
6 which the case was handled, the date of the arrest or criminal charge, the date of issuance of the Domestic Violence Order
7 (G.S. 50B), the final disposition, and the date thereof. The notifications required under this Paragraph ~~must~~ shall be
8 received by the School Director within 30 days of the date the case was finally disposed of in court. The requirements of
9 this Paragraph are applicable at all times during which the trainee is enrolled in a Basic Law Enforcement Training
10 Course. The requirements of this Paragraph are in addition to the notifications required under 12 NCAC 10B .0301 and
11 12 NCAC 09B .0101(8).

12

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

14 *Eff. January 1, 1981;*

15 *Amended Eff. January 1, 2015; June 1, 2012; February 1, 2011; June 1, 2010; December 1, 2004;*

16 *July 1, 2004; August 1, 2002; August 1, 2000; January 1, 1995; March 1, 1992; July 1, 1989;*

17 *January 1, 1985.*

18

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09G .0101

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 13, define or delete both "specifically"

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Wednesday, November 26, 2014

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09G .0102

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 26, "completed, with passing scores achieved," is the text used in 12 NCAC 09A .0103(10) to define the same term. Please be consistent.

Page 6, line 1, replace "which" with "that"

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Wednesday, November 26, 2014

1 **12 NCAC 09G .0102** is amended as published in Volume 29, Issue 5, pages 498-502:

2

3 **12 NCAC 09G .0102 DEFINITIONS**

4 The following definitions apply throughout this Subchapter only:

5 (1) "Commission of an offense" means a finding by the North Carolina Criminal Justice Education and
6 Training Standards Commission or an administrative body that a person performed the acts necessary
7 to satisfy the elements of a specified offense.

8 (2) "Convicted" or "Conviction" ~~means and includes, means,~~ for purposes of this Subchapter, the entry of:

9 (a) a plea of guilty;

10 (b) a verdict or finding of guilt by a jury, judge, magistrate, or other duly constituted, established
11 adjudicating body, tribunal, or official, either civilian or military; or

12 (c) a plea of no contest, nolo contendere, or the equivalent.

13 (3) "Correctional Officer" means an employee of the North Carolina Department of ~~Correction, Division~~
14 ~~of Prisons, Public Safety, Division of Adult Correction and Juvenile Justice,~~ responsible for the custody
15 of inmates or offenders.

16 (4) "Corrections Officer" means ~~any or all either or both~~ of the ~~three~~two classes of officers employed by
17 the North Carolina Department of ~~Correction, Public Safety, Division of Adult Correction and Juvenile~~
18 ~~Justice; correctional officer; officer or probation/parole officer; and probation/parole officer~~
19 ~~intermediate officer.~~

20 (5) "Criminal Justice System" means the whole of the State and local criminal justice agencies including
21 the North Carolina Department of ~~Correction, Public Safety, Division of Adult Correction and Juvenile~~
22 ~~Justice.~~

23 (6) "Director" means the Director of the Criminal Justice Standards Division of the North Carolina
24 Department of Justice.

25 (7) "Educational Points" means points earned toward the State Correction Officers' Professional
26 Certificate Program for studies ~~satisfactorily~~ completed with passing grades for semester hour or
27 quarter hour credit at a regionally accredited institution of higher education. Each semester hour of
28 college credit equals one educational point and each quarter hour of college credit equals two-thirds of
29 an educational point.

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

32 (9) "Misdemeanor" for corrections officers means those criminal offenses not classified under the laws,
33 statutes, or ordinances as felonies. Misdemeanor offenses for corrections officers are classified by the
34 Commission as ~~follows:~~ the following as set forth in G.S. or otherwise stated:

35 (a) 14-2.5 Punishment for attempt (offenses that are Class A-1 misdemeanor)

1	(b)	14-27.7	Intercourse and sexual offenses with certain victims (If defendant is school
2			personnel other than a teacher, school administrator, student teacher or
3			coach)
4	(c)	14-32.1(f)	Assault on handicapped persons
5	(d)	14-32.2(b)(4)	Patient abuse and neglect, punishments
6	(e)	14-32.3	Exploitation by caretaker of disabled/elder adult in domestic setting;
7			resulting in loss of less than one thousand dollars (\$1000) (August 1, 2001-
8			December 1, 2005. Repealed December 1, 2005)
9	(f)	14-33(b)(9)	Assault, battery against sports official
10	(g)	14-33(c)	Assault, battery with circumstances
11	(h)	14-34	Assault by pointing a gun
12	(i)	14-34.6(a)	Assault on Emergency Personnel
13	(j)	14-54	Breaking or Entering into buildings generally (14-54(b))
14	(k)	14-72	Larceny of property; receiving stolen goods etc.; not more than one
15			thousand dollars (\$1000.00) (14-72(a))
16	(l)	14-72.1	Concealment of merchandise (14-72.1(e); 3rd or subsequent offense)
17	(m)	14-76	Larceny, mutilation, or destruction of public records/papers
18	(n)	CH 14 Art. 19A	False/fraudulent use of credit device (14-113.6)
19	(o)	CH 14 Art. 19B	Financial transaction card crime (14-113.17(a))
20	(p)	14-114(a)	Fraudulent disposal of personal property on which there is a security
21			interest
22	(q)	14-118	Blackmailing
23	(r)	14-118.2	Obtaining academic credit by fraudulent means (14-118.2(b))
24	(s)	14-122.1	Falsifying documents issued by a school (14-122.1(c))
25	(t)	14-127	Willful and wanton injury to real property
26	(u)	14-160	Willful and wanton injury to personal property greater than two hundred
27			dollars (\$200.00) (14-160(b))
28	(v)	14-190.5	Preparation of obscene photographs
29	(w)	14-190.9	Indecent Exposure
30	(x)	14-190.14	Displaying material harmful to minors (14-190.14(b))
31	(y)	14-190.15	Disseminating harmful material to minors (14-190.15(d))
32	(z)	14-202.2	Indecent liberties between children
33	(aa)	14-202.4	Taking indecent liberties with a student
34	(bb)	14-204	Prostitution (14-207;14-208)
35	(cc)	14-223	Resisting officers
36	(dd)	14-225	False, etc., reports to law enforcement agencies or officers
37	(ee)	14-230	Willfully failing to discharge duties

1	(ff)	14-231	Failing to make reports and discharge other duties
2	(gg)	14-232	Swearing falsely to official records
3	(hh)	14-239	Allowing prisoners to escape punishment
4	(ii)	14-255	Escape of working prisoners from custody
5	(jj)	14-256	Prison breach and escape
6	(kk)	14-258.1(b)	Furnishing certain contraband to inmates
7	(ll)	14-259	Harboring or aiding certain persons
8	(mm)	CH 14 Art. 34	Persuading inmates to escape; harboring fugitives (14-268)
9	(nn)	14-269.2	Weapons on campus or other educational property (14-269.2(d), (e) and
10			(f))
11	(oo)	14-269.3(a)	Weapons where alcoholic beverages are sold and consumed
12	(pp)	14-269.4	Weapons on state property and in courthouses
13	(qq)	14-269.6	Possession and sale of spring-loaded projectile knives prohibited (14-
14			269.6(b))
15	(rr)	14-277	Impersonation of a law-enforcement or other public officer verbally, by
16			displaying a badge or insignia, or by operating a red light (14-277 (d1) and
17			(e))
18	(ss)	14-277.2(a)	Weapons at parades, etc., prohibited
19	(tt)	14-277.3	Stalking (14-277.3(b))
20	(uu)	14-288.2(b)	Riot
21	(vv)	14-288.2(d)	Inciting to riot
22	(ww)	14-288.6(a)	Looting; trespassing during emergency
23	(xx)	14-288.7(c)	Transporting weapon or substance during emergency
24	(yy)	14-288.9(c)	Assault on emergency personnel; punishments
25	(zz)	14-315(a)	Selling or giving weapons to minors
26	(aaa)	14-315.1	Storage of firearms to protect minors
27	(bbb)	14-316.1	Contributing to delinquency
28	(ccc)	14-318.2	Child abuse
29	(ddd)	14-360	Cruelty to animals
30	(eee)	14-361	Instigating or promoting cruelty to animals
31	(fff)	14-401.14	Ethnic intimidation; teaching any technique to be used for (14-401.14(a)
32			and (b))
33	(ggg)	14-454(a) or (b)	Accessing computers
34	(hhh)	14-458	Computer trespass (Damage less than two thousand five hundred dollars
35			(\$2500.00)
36	(iii)	15A-266.11	Unauthorized use of DNA databank; willful disclosure (15A-266.11(a)
37			and (b))

1	(jjj)	15A-287	Interception and disclosure of wire etc. communications
2	(kkk)	15B-7(b)	Filing false or fraudulent application for compensation award
3	(lll)	18B-902(c)	False statements in application for ABC permit (18B-102(b))
4	(mmm)	20-37.8(a) & (c)	Fraudulent use of a fictitious name for a special identification card
5	(nnn)	20-102.1	False report of theft or conversion of a motor vehicle
6	(ooo)	20-111(5)	Fictitious name or address in application for registration
7	(ppp)	20-130.1	Use of red or blue lights on vehicles prohibited (20-130.1(e))
8	(qqq)	20-137.2	Operation of vehicles resembling law-enforcement vehicles (20-137.2(b))
9	(rrr)	20-138.1	Driving while impaired (punishment level 1 (20-179(g))or 2 (20-179(h))
10	(sss)	20-138.2I	Impaired driving in commercial vehicle (20-138.2(e))
11	(ttt)	20-141.5(a)	Speeding to elude arrest
12	(uuu)	20-166(b)	Duty to stop in event of accident or collision
13	(vvv)	20-166(c)	Duty to stop in event of accident or collision
14	(www)	20-166(c1)	Duty to stop in event of accident or collision
15	(xxx)	50B-4.1	Knowingly violating valid protective order
16	(yyy)	58-33-105	False statement in applications for insurance
17	(zzz)	58-81-5	Careless or negligent setting of fires
18	(aaaa)	62A-12	Misuse of 911 system
19	(bbbb)	90-95(d)(2)	Possession of schedule II, III, IV
20	(cccc)	90-95(d)(3)	Possession of Schedule V
21	(dddd)	90-95(d)(4)	Possession of Schedule VI (when punishable as Class 1 misdemeanor)
22	(eeee)	90-95(e)(4)	Conviction of 2 or more violations of Art. 5
23	(ffff)	90-95(e)(7)	Conviction of 2 or more violations of Art. 5
24	(gggg)	90-113.22	Possession of drug paraphernalia (90-113.22(b))
25	(hhhh)	90-113.23	Manufacture or delivery of drug paraphernalia (90-113.23(c))
26	(iiii)	97-88.2(a)	Misrepresentation to get worker's compensation payment
27	(jjjj)	108A-39(a)	Fraudulent misrepresentation of public assistance
28	(kkkk)	108A-53	Fraudulent misrepresentation of foster care and adoption assistance
29			payments
30	(llll)	108A-64(a)	Medical assistance recipient fraud; less than four hundred dollars
31			(\$400.00) (108-64(c)(2))
32	(mmmm)	108A-80	Recipient check register/list of all recipients of AFDC and state-county
33			special assistance (108A-80(b))
34	(nnnn)	108A-80	Recipient check register/ list of all recipients of AFDC and state-county
35			special assistance; political mailing list (108A-80(c))
36	(oooo)	113-290.1(a)(2)	Criminally negligent hunting; no bodily disfigurement
37	(pppp)	113-290.1(a)(3)	Criminally negligent hunting; bodily disfigurement

- 1 (qqqq) 113-290.1(a)(4) Criminally negligent hunting; death results
- 2 (rrrr) 113-290.1(d) Criminally negligent hunting; person convicted/suspended license
- 3 (ssss) 143-58.1(a) Use of public purchase or contract for private benefit (143-58.1(c))
- 4 (tttt) 148-45(d) Aiding escape or attempted escape from prison
- 5 (uuuu) 162-55 Injury to prisoner by jailer
- 6 (vvvv) Common-Law misdemeanors:
- 7 (i) Going Armed to the Terror of the People
- 8 (ii) Common-Law Mayhem
- 9 (iii) False Imprisonment
- 10 (iv) Common-Law Robbery
- 11 (v) Common-Law Forgery
- 12 (vi) Common-Law Uttering of Forged paper
- 13 (vii) Forcible Trespass
- 14 (viii) Unlawful Assembly
- 15 (vix) Common-Law Obstruction of Justice
- 16 (www) Those offenses occurring in other jurisdictions ~~which that~~ are comparable to the offenses
- 17 specifically listed in (a) through (vvvv) of this Rule.
- 18 (xxxx) Any offense proscribed by 18 USC 922(g)(8) [~~Lautenberg Amendment~~] U.S.C. 922 (1996),
- 19 [http://www.gpo.gov/fdsys/pkg/USCODE-2011-title18/pdf/USCODE-2011-title18-partI-](http://www.gpo.gov/fdsys/pkg/USCODE-2011-title18/pdf/USCODE-2011-title18-partI-chap44-sec922.pdf)
- 20 [chap44-sec922.pdf](http://www.gpo.gov/fdsys/pkg/USCODE-2011-title18/pdf/USCODE-2011-title18-partI-chap44-sec922.pdf)), that would prohibit possessing a firearm or ammunition.
- 21 (10) "Pilot Courses" means those courses approved by the Education and Training Committee, consistent
- 22 with 12 NCAC 09G .0404, which are utilized to develop new training course curricula.
- 23 (11) "Probation/Parole Officer" means an employee of the North Carolina Department of ~~Correction,~~
- 24 ~~Division of Community Corrections, Public Safety, Division of Adult Correction and Juvenile Justice~~
- 25 whose duties include supervising, evaluating, or otherwise instructing offenders placed on probation,
- 26 parole, post release supervision, or assigned to any other community-based program operated by the
- 27 Division of Adult Correction and Juvenile Justice.
- 28 ~~(12) "Probation/Parole Officer Intermediate" means an employee of the North Carolina Department of~~
- 29 ~~Correction, Division of Community Corrections, other than a regular probation/parole officer who is~~
- 30 ~~trained in corrections techniques, and is an authorized representative of the courts of North Carolina~~
- 31 ~~and the Department of Correction, Division of Community Corrections, whose duties include~~
- 32 ~~supervising, investigating, reporting, and surveillance of serious offenders in an intensive probation,~~
- 33 ~~parole, or post release supervision program operated by the Division of Community Corrections.~~
- 34 ~~(13)~~(12) "Qualified Assistant" means an additional staff person designated as such by the School Director to
- 35 assist in the administration of a course when a certified institution or agency assigns additional
- 36 responsibilities to the certified School Director during the planning, development, and implementation
- 37 of a certified course.

1 ~~(14)~~(13) "School" means an institution, college, university, academy, or agency which offers penal or
2 corrections training for correctional ~~officers, officers or~~ probation/parole ~~officers, officers, or~~
3 ~~probation/parole officers intermediate.~~ "School" includes the corrections training course curricula,
4 instructors, and facilities.

5 ~~(15)~~(14) "School Director" means the person designated by the Secretary of the North Carolina Department of
6 ~~Correction~~ Public Safety, Division of Adult Correction and Juvenile Justice to administer the
7 "School."

8 ~~(16)~~(15) "Standards Division" means the Criminal Justice Standards Division of the North Carolina Department
9 of Justice.

10 ~~(17)~~(16) "State Corrections Training Points" means points earned toward the State Corrections Officers'
11 Professional Certificate Program by successful completion of Commission-approved corrections
12 training courses. 20 classroom hours of Commission-approved corrections training equals one State
13 Corrections training point.

14
15 *History Note:* *Authority G.S. 17C-2; 17C-6; 17C-10; 153A-217;*
16 *Temporary Adoption Eff. January 1, 2001;*
17 *Eff. August 1, 2002;*
18 *Amended Eff. January 1, 2015; April 1, 2009; August 1, 2004.*

19

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09G .0202

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Please note that this Rule does not require proof of citizenship, like required for age and education. However, the proof is part of 12 NCAC 09G .0306(a)(8). Please revise this Rule to be consistent.

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Wednesday, November 26, 2014

1 **12 NCAC 09G .0202** is amended as published in Volume 29, Issue 5, page 502:

2

3 **12 NCAC 09G .0202 CITIZENSHIP**

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

7

8 *History Note: Authority G.S. 17C-6; 17C-10;*
9 *Temporary Adoption Eff. January 1, 2001;*
10 *Eff. August 1, 2002;*
11 *Amended Eff. January 1, 2015; August 1, 2004.*

12

1 **12 NCAC 09G .0203** is amended as published in Volume 29, Issue 5, page 502:

2

3 **12 NCAC 09G .0203 AGE**

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

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

8

9 *History Note: Authority G.S. 17C-6; 17C-10;*
10 *Temporary Adoption Eff. January 1, 2001;*
11 *Eff. August 1, 2002;*
12 *Amended Eff. January 1, 2015; August 1, 2004.*

13

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09G .0204

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 6, add "GED" after "Development" to be consistent with line 22.

Lines 18 through 20, when may additional documentation be requested and what types? Please clarify.

Line 20, the punctuation after "Rule" does not reflect the text as published in the Register. Please correct.

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

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Wednesday, November 26, 2014

1 **12 NCAC 09G .0204** is amended as published in Volume 29, Issue 5, page 502:

2

3 **12 NCAC 09G .0204 EDUCATION**

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

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

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

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

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

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

25

26 *History Note: Authority G.S. 17C-6; 17C-10;*
27 *Temporary Adoption Eff. January 1, 2001;*
28 *Eff. August 1, 2002;*
29 *Amended Eff. January 1, 2015; August 1, 2004.*

30

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09G .0205

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 15, define or delete "properly"

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Wednesday, November 26, 2014

1 **12 NCAC 09G .0205** is amended as published in Volume 29, Issue 5, pages 502-503:

2

3 **12 NCAC 09G .0205 PHYSICAL AND MENTAL STANDARDS**

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

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

16

17 *History Note: Authority G.S. 17C-6; 17C-10;*
18 *Temporary Adoption Eff. January 1, 2001;*
19 *Eff. August 1, 2002;*
20 *Amended Eff. January 1, 2015; April 1, 2009; August 1, 2004.*

21

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09G .0206

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 10 through 11, is this Rule intending to incorporate the CFR? If so, please fully incorporate in accordance with [G.S. 150B-21.6](#), by indicated if subsequent amendments will be accepted.

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

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Wednesday, November 26, 2014

1 **12 NCAC 09G .0206** is amended as published in Volume 29, Issue 5, page 503:

2

3 **12 NCAC 09G .0206 MORAL CHARACTER**

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

- 7 (1) not having been convicted of a felony;
- 8 (2) not having been convicted of a misdemeanor as defined in 12 NCAC 09G .0102(9) for three years or
9 the completion of any corrections supervision imposed by the courts whichever is later;
- 10 (3) not having been convicted of an offense that, under 18 ~~USC—922,~~
11 ~~(<http://codes.lp.findlaw.com/uscode/18/1/44/922>)~~ U.S.C. 922 (1996),
12 ~~(<http://www.gpo.gov/fdsys/pkg/USCODE-2011-title18-part1-chap44-sec922.pdf>),~~ would prohibit the
13 possession of a firearm or ammunition;
- 14 (4) having submitted to and produced a negative result on a drug test within 60 days of employment or any
15 in-service drug screening required by the Department of Public Safety, Division of Adult Correction
16 and Juvenile Justice ~~which that~~ meets the certification standards of the Department of Health and
17 Human Services for Federal Workplace Drug Testing Programs. A list of certified drug testing ~~labs~~
18 labs that meet this requirement may be ~~obtained~~ obtained, from National Institute on Drug Abuse,
19 ~~5600 Fisher Lane, Rockville, Maryland 20857 at no cost,~~
20 ~~(http://workplace.samhsa.gov/DrugTesting/Level_1_Pages/CertifiedLabs.html)~~ to detect the illegal use
21 of at least cannabis, cocaine, phencyclidine (PCP), opiates and amphetamines or their metabolites; at
22 no cost, at http://workplace.samhsa.gov/DrugTesting/Level_1_Pages/CertifiedLabs.html.
- 23 (5) submitting to a background investigation consisting ~~of:~~ of the following:
- 24 (a) verification of age;
- 25 (b) verification of education; and
- 26 (c) criminal history check of local, state, and national files; and
- 27 (6) being truthful in providing ~~all required~~ information ~~as prescribed by the application process.~~ to the
28 Department of Public Safety, Division of Adult Correction and Juvenile Justice and to the Standards
29 Division for the purpose of obtaining probationary or general certification.

30

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

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

33 *Eff. August 1, 2002;*

34 *Amended Eff. January 1, 2015; June 1, 2012; April 1, 2009; August 1, 2004.*

35

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

3
4 **12 NCAC 09G .0301** is amended as published in volume 29, issue 5, page 503:

5
6 **12 NCAC 09G .0301 CERTIFICATION OF CORRECTIONAL ~~OFFICERS,~~ OFFICERS AND**
7 **~~PROBATION/PAROLE OFFICERS, AND PROBATION/PAROLE OFFICERS-~~**
8 **INTERMEDIATE OFFICERS.**

9 Every person employed as a correctional ~~officer,~~ officer or probation/parole ~~officer, or probation/parole officer-~~
10 ~~intermediate~~ officer shall be certified as prescribed by the Rules of this Section. The Commission shall certify an officer
11 as either a probationary officer or general officer based on the officer's qualifications and ~~experience.~~ experience, as
12 specified in Rule .0303 and Rule .0304 of this Subchapter.

13
14 *History Note: Authority G.S. 17C-6; 17C-10;*
15 *Temporary Adoption Eff. January 1, 2001;*
16 *Eff. August 1, 2002;*
17 *Amended Eff. January 1, 2015; August 1, 2004.*
18

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09G .0302

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 10, replace "Subparagraph" with "Paragraph"

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Wednesday, November 26, 2014

1 **12 NCAC 09G .0302** is amended as published in volume 29, issue 5, page 503:

2

3 **12 NCAC 09G .0302 NOTIFICATION OF CRIMINAL CHARGES/CONVICTIONS**

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

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

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

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

19

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

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

22 *Eff. August 1, 2002;*

23 *Amended Eff. January 1, 2015; August 1, 2004.*

24

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09G .0303

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 8, is the content of this application set forth in another rule that could be crossed referenced?

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Wednesday, November 26, 2014

1 **12 NCAC 09G .0303** is proposed is amended as published in volume 29, issue 5, pages 503-504:

2

3 **12 NCAC 09G .0303 PROBATIONARY CERTIFICATION**

4 (a) A prospective employee may commence active service as a correctional ~~officer, officer or probation/parole officer, or~~
5 ~~probation/parole officer intermediate~~ officer at the time of employment.

6 (b) Within 90 days of appointment to a position for which the ~~commission~~ Commission requires certification, the North
7 Carolina Department of ~~Correction~~ Public Safety, Division of Adult Correction and Juvenile Justice shall submit a
8 completed Report of Appointment/Application for Certification to the Standards Division. The form may be accessed on
9 the Standards Division's website at: <http://www.ncdoj.gov/About-DOJ/Law-Enforcement-Training-and->
10 Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and-Publications.aspx.

11 (c) The Commission shall certify as a probationary officer a person meeting the standards for certification when the
12 North Carolina Department of ~~Correction~~ Public Safety, Division of Adult Correction and Juvenile Justice submits a
13 completed Report of Appointment/Application for Certification to the Standards Division.

14 (d) The Standards Division shall issue the ~~person's~~ officer's Probationary Certification to the North Carolina Department
15 of ~~Correction~~ Public Safety, Division of Adult Correction and Juvenile Justice.

16 (e) 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 suspended or revoked pursuant to Rule .0503 of this Subchapter or the officer has
18 attained General Certification.

19 (f) Documentation of Probationary Certification shall be maintained with the officer's personnel records with the North
20 Carolina Department of ~~Correction~~ Public Safety, Division of Adult Correction and Juvenile Justice and the Commission.

21

22 *History Note: Authority G.S. 17C-6; 17C-10;*
23 *Temporary Adoption Eff. January 1, 2001;*
24 *Eff. August 1, 2002;*
25 *Amended Eff. January 1, 2015; August 1, 2004.*

26

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09G .0304

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 11, add a comma after "Justice"

Line 27, define or delete "successfully"

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Wednesday, November 26, 2014

1 **12 NCAC 09G .0304** is amended as published in volume 29, issue 5, page 504:

2

3 **12 NCAC 09G .0304 GENERAL CERTIFICATION**

4 (a) The Commission shall grant an officer General Certification when evidence is received by the Standards Division
5 that an officer has ~~successfully~~ completed the training requirements of 12 NCAC 09G .0410, .0411, .0412, or .0413
6 within the officer's probationary period and the officer has met all ~~other~~ requirements for General ~~Certification~~. as
7 specified in Rules .0202, .0203, .0204, .0205, .0206, .0302, and .0303 of this Subchapter.

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

12 (c) Certified officers who, through promotional opportunities, move into non-certified positions within the Department,
13 may have their certification reinstated without re-completion of the basic training requirements of 12 NCAC 09G .0410,
14 .0411, .0412, or .0413, and are exempted from reverification of employment standards of 12 NCAC 09G .0202 through
15 .0206 when returning to a position requiring certification if they have maintained ~~continuous~~ employment within the
16 Department.

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

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

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

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

30

31 *History Note: Authority G.S. 17C-2; 17C-6; 17C-10;*
32 *Temporary Adoption Eff. January 1, 2001;*
33 *Eff. August 1, 2002;*
34 *Amended Eff. January 1, 2015; August 1, 2004.*

35

1 **12 NCAC 09G .0306** is amended as published in volume 29, issue 5, pages 504-505:

2

3 **12 NCAC 09G .0306 RETENTION OF RECORDS OF CERTIFICATION**

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

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

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

25

26 *History Note:* Authority G.S. 17C-2; 17C-6;
27 Temporary Adoption Eff. January 1, 2001;
28 Eff. August 1, 2002;
29 Amended Eff. January 1, 2015; August 1, 2004.

30

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09G .0412

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 7 through 8, is the punctuation correct for "matters, review and testing"? Is "review and testing" an item? If not, add a comma after "review"

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

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Wednesday, November 26, 2014

1 **12 NCAC 09G .0412** is amended as published in volume 29, issue 5, page 505 **with changes:**

2

3 **12 NCAC 09G .0412 BASIC TRAINING FOR PROBATION/PAROLE OFFICERS**

4 (a) The basic training course for probation/parole officers shall consist of at least ~~160~~ **207/216** hours of instruction, as
5 approved by the Commission, designed to provide the trainee with the skills and knowledge to perform those tasks
6 essential to function as a probation/parole officer. The instructional components of this course ~~must~~ **shall** be listed in the
7 "Basic Probation/Parole Officer Training Manual," and shall include ~~firearms training; administrative matters, review and~~
8 ~~testing;~~ controls, restraints, and defensive techniques; court processes; case processing and management; arrest
9 procedures; basic life support; employee wellness; professional ethics; personal and professional conduct; and
10 contemporary correctional theory.

11 (b) The "Basic Probation/Parole Officer Training Manual" as published by the North Carolina Department of ~~Correction~~
12 Public Safety, Division of Adult Correction and Juvenile Justice ~~is to~~ **shall** be applied as the ~~basic~~ curriculum for ~~delivery~~
13 ~~of~~ probation/parole officer basic training ~~courses.~~ courses specified in Paragraph (a) of this Rule. Copies of this
14 publication may be inspected at the office of the agency:

15 The Office of Staff Development and Training
16 North Carolina Department of ~~Correction~~ Public Safety
17 Division of Adult Correction and Juvenile Justice

18 2211 Schieffelin Road
19 Apex, North Carolina 27502

20 With mailing address:

21 MSC 4213

22 Raleigh, North Carolina 27699-4213

23 and may be obtained at the cost of printing and postage from the Department of ~~Correction.~~ Public Safety, Division of
24 Adult Correction and Juvenile Justice.

25

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

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

28 *Eff. August 1, 2002;*

29 *Amended Eff. January 1, 2015; February 1, 2006; August 1, 2004.*

30

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09G .0413

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 8, delete the date of "January 1, 2015"

Line 9, add a repeal line with date

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Wednesday, November 26, 2014

1 **12 NCAC 09G .0413** is repealed as published in volume 29, issue 5, page 505 as follows:

2

3 **12 NCAC 09G .0413 BASIC TRAINING FOR PROBATION/PAROLE OFFICERS-INTERMEDIATE**

4

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

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

7 *Eff. August 1, 2002;*

8 *Amended Eff. January 1, 2015; August 1, 2004.*

9

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09G .0504

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 9, define or delete "satisfactorily"

Line 25, delete "and their progeny"

Page 2, line 16, add a comma after "certifying"

Page 2, line 17, add a comma after "suspended"

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Wednesday, November 26, 2014

1 **12 NCAC 09G .0504** is amended as published in volume 29, issue 5, pages 505-506:

2

3 **12 NCAC 09G .0504 SUSPENSION: REVOCATION: OR DENIAL OF CERTIFICATION**

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

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

9 (1) has not enrolled in and satisfactorily completed the required basic training course in its entirety within
10 prescribed time periods relevant or applicable to a specified position or job title;

11 (2) fails to meet or maintain one or more of the employment standards required by 12 NCAC 09G .0200
12 for the category of the officer's certification or fails to meet or maintain one or more of the training
13 standards required by 12 NCAC 09G .0400 for the category of the officer's certification;

14 (3) has committed or been convicted of a misdemeanor as defined in 12 NCAC 09G .0102 after
15 certification;

16 (4) has been discharged by the North Carolina Department of ~~Correction~~ Public Safety, Division of Adult
17 Correction and Juvenile Justice for:

18 (A) commission or conviction of a motor vehicle offense requiring the revocation of the officer's
19 drivers license; or

20 (B) commission or conviction of any other offense involving moral ~~turpitude;~~ character, as
21 defined in: re Willis, 299 N.C. 1, 215 S.E. 2d 771 appeal dismissed 423 U.S. 976 (9175);
22 State v. Harris, 216 N.C. 746, 6 S.E. 2d 854 (1940); in re Legg, 325 N.C. 658, 386 S.E. 2d
23 174(1989); in re Applicants for License, 143 N.C. 1, 55 S.E. 635 (1906); in re Dillingham,
24 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E. 2d 647 (1983);
25 and their progeny.

26 (5) has been discharged by the North Carolina Department of ~~Correction~~ Public Safety, Division of Adult
27 Correction and Juvenile Justice because the officer lacks the mental or physical capabilities to fulfill
28 the responsibilities of a corrections officer;

29 (6) has knowingly made a material misrepresentation of any information required for certification or
30 accreditation;

31 (7) has knowingly and willfully, by any means of false pretense, deception, fraud, ~~misrepresentation~~
32 misrepresentation, or cheating whatsoever, obtained or attempted to obtain credit, ~~training~~ training, or
33 certification from the Commission;

34 (8) has knowingly and willfully, by any means of false pretense, deception, fraud, ~~misrepresentation~~
35 misrepresentation, or cheating whatsoever, aided another person in obtaining or attempting to obtain
36 credit, training, or certification from the Commission;

- 1 (9) has failed to notify the Standards Division of all criminal charges or convictions as required by 12
2 NCAC 09G .0302;
- 3 (10) has been removed from office by decree of the Superior Court in accord with the provisions of G.S.
4 128-16 or has been removed from office by sentence of the court in accord with the provisions of G.S.
5 14-230;
- 6 (11) has refused to submit to an applicant drug screen as required by 12 NCAC 09G .0206; or has refused
7 to submit to an in-service drug screen pursuant to the guidelines set forth in the Drug Screening
8 Implementation Guide as required by the Department of ~~Correction~~; Public Safety, Division of Adult
9 Correction and Juvenile Justice;
- 10 (12) has produced a positive result on a drug screen reported to the Commission as specified in 12 NCAC
11 09G .0206(3), where the positive result cannot be explained to the Commission's satisfaction; or
- 12 (13) has been denied certification or had such certification suspended or revoked by a previous action of
13 the North Carolina Criminal Justice Education and Training Standards Commission, the North
14 Carolina ~~Company/Campus~~ Company Police Program, the North Carolina Campus Police Program,
15 the North Carolina Sheriffs' Education and Training Standards Commission, or a similar North
16 Carolina, out of state or federal approving, certifying or licensing agency whose function is the same
17 or similar to the aforementioned agencies if such certification was denied, suspended or revoked based
18 on grounds that would constitute a violation of ~~Subchapter 09G~~. this Subchapter.
- 19 (c) Following suspension, revocation, or denial of the person's certification, the person shall not remain employed or
20 appointed as a corrections officer and the person shall not exercise any authority of a corrections officer during a period
21 for which the person's certification is suspended, revoked, or denied.

22

23 *History Note:* Authority G.S. 17C-6; 17C-10;
24 Temporary Adoption Eff. January 1, 2001;
25 Eff. August 1, 2002;
26 Amended Eff. January 1, 2015; April 1, 2009; December 1, 2004; August 1, 2004.

27

1 **12 NCAC 09G .0602** is amended as published in volume 29, issue 5, pages 506-507:

2

3 **12 NCAC 09G .0602 GENERAL PROVISIONS**

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

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

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

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

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

15 ~~(C) — probation/parole officer intermediate.~~

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

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

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

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

30 (2) 20 classroom hours of Commission-approved corrections training shall equal one point; and

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

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

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

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History Note: Authority G.S. 17C-6;
Temporary Adoption Eff. January 1, 2001;
Eff. August 1, 2002;
Amended Eff. January 1, 2015; June 1, 2012; August 1, 2004.