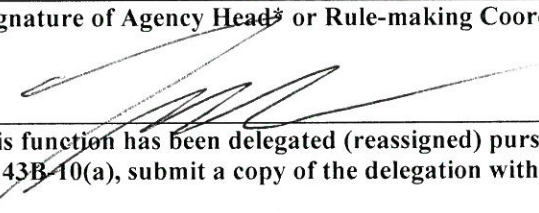


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Criminal Justice Education and Training Standards Commission	
2. Rule citation & name (name not required for repeal): 12 NCAC 09B .0203 – ADMISSION OF TRAINEES	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input type="checkbox"/> Notice Required Notice of Text published on: Link to Agency notice: Hearing on: <input checked="" type="checkbox"/> Adoption by agency on: <input checked="" type="checkbox"/> Notice not required under G.S.: 150B-21.5(a)(5) Adoption by agency on: 11/14/2014	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact (check all that apply): <input type="checkbox"/> State funds affected <input type="checkbox"/> Environmental permitting of DOT affected and analysis submitted to Board of Transportation <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: Typographical Error	
9B. Explain: This rule was amended via final agency decision on 11/14/2014, and subsequent approval by the Rules Review Commission on 12/17/2014. On 12/18 a typographical error was found that was inadvertently missed prior to final approval. In Paragraph (i)(4) the language was revised to read, “four or more crimes or unlawful acts defined as Class A Misdemeanors, regardless of the date of conviction.” This language should have remained as “...Class B Misdemeanors...” in order to be consistent with 12 NCAC 09B .0111(1)(d). Class B Misdemeanors carry stiffer penalties, and this change would allow the admission of trainees with convictions which would not permit their certification. Hence the need to remedy this typographical error.	
10. Rule-making Coordinator: Trevor Allen Address: PO Drawer 149 Raleigh, NC 27602 Phone: (919) 779-8205 E-Mail: tjallen@ncdoj.gov Agency Contact, if any: Trevor Allen Phone: (919) 779-8205 E-Mail: tjallen@ncdoj.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Trevor Allen Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC Extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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 OFFICE OF
 ADMIN HEARINGS
 FILED

1 **12 NCAC 09B .0203 is amended without notice pursuant to G.S. 150B-21.5(a)(5):**

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
8 as trainees in a presentation of the Basic Law Enforcement Training Course with prior written approval from the
9 Director of the Standards Division. The Director shall approve early enrollment as long as the individual turns 20
10 years of age prior 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-
12 time 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
14 Training Course" who does not meet the education and experience requirements for instructor certification under
15 Rule .0302 of this Subchapter within 60 days of successful completion of the Instructor Training State
16 Comprehensive Examination.

17 (e) The school shall not admit an individual, including partial or limited enrollees, as a trainee in a presentation of
18 the Basic Law Enforcement Training Course unless the individual, within one year prior to admission to Basic law
19 Enforcement Training, places into course DRE 098 or above at a North Carolina Community College as a result of
20 taking the Reading and English component of the North Carolina Diagnostic Assessment and Placement test as
21 approved by the State Board of Community Colleges on October 17, 2014
22 <http://www.nccommunitycolleges.edu/state-board-community-colleges/meetings/october-17-2014>), or has taken the
23 reading component of a nationally standardized test within one year prior to admission to Basic Law Enforcement
24 Training and has scored at or above the tenth grade level or the equivalent. For the purposes of this Rule:

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

27 (2) A "nationally standardized test" means a test that:

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

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

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

5 (h) The school shall not admit any individual trainee in a presentation of the Basic Law Enforcement Training
 6 Course unless the individual has provided the 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 shall 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
 15 the date of application for employment, unless the individual intends to seek certification through
 16 the North Carolina Sheriffs' Education and Training Standards Commission;
- 17 (4) four or more crimes or unlawful acts defined as "Class ~~A B~~ Misdemeanors," regardless of the date
 18 of conviction;
- 19 (5) four or more crimes or unlawful acts defined as "Class A ~~Misdemeanors~~" Misdemeanors." except
 20 the trainee may be enrolled if the last conviction date occurred more than two years prior to the
 21 date of enrollment;
- 22 (6) a combination of four or more "Class A Misdemeanors" or "Class B Misdemeanors" regardless of
 23 the date of conviction, unless the individual intends to seek certification through the North
 24 Carolina Criminal Justice Education and Training Standards Commission.

25 (j) Individuals charged with crimes as specified in Paragraph (i) of this Rule, and such offenses were dismissed or
 26 the person was found not guilty, may be admitted into the Basic Law Enforcement Training Course but completion
 27 of the Basic Law Enforcement Training Course does not ensure that certification as a law enforcement officer or
 28 justice officer through the North Carolina Criminal Justice Education and Training Standards Commission will be
 29 issued. Every individual who is admitted as a trainee in a presentation of the Basic Law Enforcement Training
 30 Course shall notify the School Director of all criminal offenses the trainee is arrested for or charged with, pleads no
 31 contest to, pleads guilty to, or is found guilty of, and of all Domestic Violence Orders (G.S. 50B) that are issued by a
 32 judicial official after a hearing that provides an opportunity for both parties to be present. This includes all criminal
 33 offenses except minor traffic offenses and includes any offense of Driving Under the Influence (DUI) or Driving
 34 While Impaired (DWI). A "minor traffic offense" is defined, for the purposes of this Paragraph, as an offense where
 35 the maximum punishment allowable by law is 60 days or fewer. Other offenses under G.S. 20 (Motor Vehicles) or
 36 similar laws of other jurisdictions that shall be reported to the School Director are G.S 20-138.1 (driving while under
 37 the influence), G.S. 20-28 (driving while license permanently revoked or permanently suspended), G.S. 20-30(5)

1 (fictitious name or address in application for license or learner's permit), G.S. 20-37.8 (fraudulent use of a fictitious
2 name for a special identification card), G.S. 20-102.1 (false report of theft or conversion of a motor vehicle), G.S.
3 20-111(5) (fictitious name or address in application for registration), G.S. 20-130.1 (unlawful use of red or blue
4 lights), G.S. 20-137.2 (operation of vehicles resembling law enforcement vehicles), G.S. 20-141.3 (unlawful racing
5 on streets and highways), G.S. 20-141.5 (speeding to elude arrest), and G.S. 20-166 (duty to stop in event of
6 accident). The notifications required under this Paragraph shall be in writing, specify the nature of the offense, the
7 court in which the case was handled, the date of the arrest or criminal charge, the date of issuance of the Domestic
8 Violence Order (G.S. 50B), the final disposition, and the date thereof. The notifications required under this
9 Paragraph shall be received by the School Director within 30 days of the date the case was disposed of in court. The
10 requirements of this Paragraph are applicable at all times during which the trainee is enrolled in a Basic Law
11 Enforcement Training Course. The requirements of this Paragraph are in addition to the notifications required under
12 12 NCAC 10B .0301 and 12 NCAC 09B .0101(8).

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

15 *Eff. January 1, 1981;*

16 *Amended Eff. March 1, 2015; January 1, 2015; June 1, 2012; February 1, 2011; June 1, 2010;*

17 *December 1, 2004; July 1, 2004; August 1, 2002; August 1, 2000; January 1, 1995; March 1,*

18 *1992; July 1, 1989; January 1, 1985.*

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