

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: All Rules

DEADLINE FOR RECEIPT: Friday, January 10, 2014

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

The Rules Review Commission staff has completed its opinion review of this rule or set of rules your agency filed with the RRC for review by the RRC at its next meeting. The Commission has not yet met 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 one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

On the Submission for Permanent Rule Forms, give the date the Notice of Text was published in Item 6, where it states, "Notice of Text published on:"

Please type your name and title in Item 11 of the Form.

For each Rule, give the proposed effective date of the amendment in the History Note.

Please retype or otherwise correct the rule(s) or submission form(s) as necessary and deliver it to our office at 1711 New Hope Church Rd, Raleigh, North Carolina 27609.

If you have any questions or problems concerning this request, please contact me.

Amanda J. Reeder
Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0205

DEADLINE FOR RECEIPT: Friday, January 10, 2014

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On the Submission for Permanent Rule Form, please indicate that the Commission certified this Rule on both May 16 and June 19, 2013.

Please insert page numbers.

In Paragraph (b), line 5 of Page 1, remove the underlining from [616].

In Subparagraph (b)(1), the new unit total on line 14 is now 96.

In Subparagraph (b)(2), the new unit total on line 25 is now 124.

In Subparagraph (b)(3)(D), the appropriate term to replace "mental retardation" is "intellectual disability." I suspect you may mean to capture both intellectual and developmental disabilities; if so, use "Intellectual and Developmental Disabilities."

In Paragraph (d), is there a cost associated with the guide, or does the Justice Academy give them away for free? Either way, that cost needs to be in the Rule (just state "at no cost" if it is free.)

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Amanda J. Reeder
Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0405

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Please ensure this Rule is formatting using 1.5 line spacing, as required by Rule 26 NCAC 02C .0108.

Throughout this Rule, where you refer to a specific Rule (for instance, line 4, to "Rule .0205 of this Section.") you must capitalize "Rule." Further, Rules in Section .0200 are not in Section .0400, and should be "Rule .020X of this Subchapter." If a Rule is in Section .0400 (as in (a)(2), line 18), then it's "Rule .040X of this Section."

What is the purpose of the first sentence on Page 1? Are you saying that each unit must be presented in full?

On Page 1, line 4 and throughout the Rule, how is "satisfactory completion" determined?

On Page 1, lines 5 and 6, the reference to Rule .0206 is incorrect (the Rule is repealed). I think you meant to refer to Rule .0202(a)(7).

Do you need the language on lines 6 and 7? Rule .0202(a)(7) states the school director may:

- (7) Develop, adopt, reproduce, and distribute any supplemental rules, regulations, and requirements determined by the school to be necessary or appropriate for:
 - (A) effective course delivery;
 - (B) establishing responsibilities and obligations of agencies or departments employing or sponsoring course trainees; and
 - (C) regulating trainee participation and demeanor and ensuring trainee attendance and maintaining performance records;

It seems clear in Rule .0202 that they cannot expand upon the curriculum itself. Do you feel you need to retain this language?

I'd rewrite the sentence on lines 8 - 10 as "This Rule does not prevent the instruction on local agency rules or standards; however, such instruction shall not be considered or endorsed by the Commission for purposes of certification."

As I understand this Rule, if a trainee missed some of the training, the school director and the trainee can make an application to the Director of the Division to allow the trainee to enroll in make-up classes to satisfactorily complete the training. Is this correct?

Delete the "or" at the end of line 15 on Page 1.

Delete the "(5%)" on line 16.

In (a)(3), how is the deficiency identified? It doesn't appear to be testing, based upon the language in (b), so I wasn't sure how that was determined.

In (a)(3), line 22, why not state, "essential knowledge or skill in ~~either one but~~ no more than two of the specified topic areas..."

In (d), what is the "comprehensive state examination"? Is that in law or Rule elsewhere?

In (d)(1)(A)(i), line 19 and (A)(ii), line 26, simply remove the (2). You do not need it and since you didn't publish the language, you can just remove it from the Rule.

What are currently Subparagraphs (d)(1)(A) and (B) should be Subparagraphs (d)(2). End the language on Page 2, line 11 with a period. Then bring the language that is currently (d)(1)(A) and beyond to make it into (d)(2).

Page 2, line 23, move the period so the text reads "enrollee."

In Subparagraph (d)(2), what is "proper" enrollment?

Also in Subparagraph (d)(2), what is "successful" course completion? The rest of the Rule language refers to "satisfactorily." Frankly, I'm not sure you need either adjective.

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Amanda J. Reeder
Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09E .0105

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Please use 1.5 line spacing. Add line numbers and page numbers.

In Subparagraph (a)(3), will people know that "JMST" stands for "Juvenile Minority Sensitivity Training" when you delete the full name?

In Subparagraph (a)(5), are there no standards for the Department to choose the topics? And do you mean the Department or the Department Head, as defined in Rule 09A .0103?

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

In (b), the first line, delete "as" before "published"

In (c), where you state the lesson plans may be obtained "at cost," I take it you mean printing costs to the agency?

I'd rewrite (e)(1) to state, "A written test... shall be developed by the delivering agency or the North Carolina Justice Academy for each in-service training topic requiring testing."

What is a "delivering agency" in this context? Should this just read, "the agency"?

In the next sentence in (e)(1), replace "do" with "have"

Given the language in Paragraph (e)(1), are you relying on Rule 0106 of the Section to govern firearms training and qualification?

Replace the periods at the end of (e)(1) and (2) with semicolons.

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Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09F .0107

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On the Submission for Permanent Rule Form, correct the spelling of the Rule name.

Also on the form, in Item 5, the sole agency responsible for certifying Commission rules for publication pursuant to G.S. 150B-19.1 is the RRC. I presume the date beside OSBM certification is the date of approval of the fiscal note. Please amend the form to reflect only the certification required by the statute.

The Rule citation and name should be in bold.

I'd rewrite the first sentence to state:

Each instructor of an approved course shall file with the Commission a copy of the firearms course description, outline, and proof of instructor certification at least annually, or upon modification of the course if it occurs before the annual certification."

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