

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0101 (Amendment)

DEADLINE FOR RECEIPT: April 15, 2026

PLEASE NOTE: This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Form 0400: You failed to fill out section **9B**. Please update.*

General Comment: You may want to add the agency's website address or URL to the rule for the sake of completeness (if it is not already mentioned in a different rule).

History Note, Authority (line 16): Consider adding § 17E-4 and 17E-5 here.

History Note, line 21: Change the effective date to May 1st.

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 7, 2026

1 **12 NCAC 10B .0101 is amended as published in 40:13 NCR 1068-1069 as follows:**

2
3 **SUBCHAPTER 10B - N.C. SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION**

4
5 **SECTION .0100 - COMMISSION ORGANIZATION AND PROCEDURES**

6
7 **12 NCAC 10B .0101 LOCATION**

8 The staff supporting the N.C. Sheriffs' Education and Training Standards Commission is established within the
9 Department of Justice and is located at 1700 Tryon Park Drive in Raleigh, North Carolina. The mailing address is:

10
11 North Carolina Sheriffs' Education and Training Standards Commission

12 ~~Post Office~~ P.O. Box 629

13 Raleigh, North Carolina 27602

14 Telephone (919) 779-8213

15
16 *History Note: Authority G.S. 17E-6;*

17 *Eff. January 1, 1989;*

18 *Amended Eff. January 1, 2013; August 1, 1998;*

19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
20 *2018.*

21 *Amended Eff. March 1, 2026.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0104 (Repeal)

DEADLINE FOR RECEIPT: April 15, 2026

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In reviewing this Rule, the staff recommends the following changes be made:

*Form 0400: You failed to fill out section **9B**. Please update.*

Formatting: Do not include the rule text in the repeal. Please see the following example: <https://www.oah.nc.gov/documents/nc-general-statute-7a/permanent-repeal-publication-ncac/download?attachment>. Please update accordingly.

History Note, line 13: Change "Repeal" to "Repealed".

History Note, line 13: Change the effective date to May 1st.

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 7, 2026

1 **12 NCAC 10B .0104 is repealed as published in 40:13 NCR 1068-1069 as follows:**

2

3 **12 NCAC 10B .0104 SHERIFFS' STANDARDS DIVISION**

4 ~~The Sheriffs' Standards Division of the North Carolina Department of Justice shall administer such programs as are~~
5 ~~assigned to it by the Commission, including the standards set forth in these Rules. The Division shall present to the~~
6 ~~Commission for its adoption administrative procedures for those programs of certification and accreditation and may~~
7 ~~create appropriate forms for application for and administration of those programs.~~

8

9 *History Note: Authority G.S. 17E-6;*

10 *Eff. January 1, 1989;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
12 *2018.*

13 *Repeal Eff. March 1, 2026.*

14

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0105 (Repeal)

DEADLINE FOR RECEIPT: April 15, 2026

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In reviewing this Rule, the staff recommends the following changes be made:

Form 0400: You failed to fill out section 9B. Please update.

Formatting: Do not include the rule text in the repeal. Please see the following example: <https://www.oah.nc.gov/documents/nc-general-statute-7a/permanent-repeal-publication-ncac/download?attachment>. Please update accordingly.

History Note, line 27: Change "Repeal" to "Repealed".

History Note, line 27: Change the effective date to May 1st.

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 7, 2026

1 **12 NCAC 10B .0105 is repealed as published in 40:13 NCR 1068-1069 as follows:**

2
3 **12 NCAC 10B .0105 ADMINISTRATIVE HEARING PROCEDURES**

4 ~~(a) Administrative hearings in contested cases conducted by the Commission or an administrative law judge, (as~~
5 ~~authorized in G.S. 150B-40) shall be governed by:~~

6 (1) ~~procedures set out in Article 3A of G.S. 150B;~~

7 (2) ~~insofar as relevant, the Rules of Civil Procedure as contained in G.S. 1A-1;~~

8 (3) ~~insofar as relevant, the General Rules of Practice for the Superior and District Courts as authorized~~
9 ~~by G.S. 7A-34 and found in the Rules Volume of the North Carolina General Statutes.~~

10 ~~(b) The rules establishing procedures for contested cases adopted by the Office of Administrative Hearings as~~
11 ~~contained in Title 26, Chapter 3 of the North Carolina Administrative Code are hereby incorporated by reference and~~
12 ~~shall automatically include any later amendments and editions of the referenced materials as provided by G.S.~~
13 ~~150B-21.6. Copies of these Rules may be obtained from the Office of Administrative Hearings, Post Office Drawer~~
14 ~~27447, Raleigh, North Carolina 27611-7447 at a cost of three dollars and forty cents (\$3.40) per copy at the time of~~
15 ~~amendment of this Rule.~~

16 ~~(c) If the case is conducted under G.S. 150B-40(b), the presiding officer shall have the powers and duties given to the~~
17 ~~Chief Administrative Law Judge or the presiding Administrative Law Judge in Title 26, Chapter 3 of the North~~
18 ~~Carolina Administrative Code.~~

19 ~~(d) An applicant for certification or a certified officer shall have 30 days from the date of receipt of a notice of~~
20 ~~proposed action by the Commission to request a contested case hearing.~~

21
22 *History Note: Authority G.S. 17E-9(b); 150B-20; 150B-21.6; 150B-38(h); 150B-40;*

23 *Eff. January 1, 1989;*

24 *Amended Eff. January 1, 1996; January 1, 1994;*

25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
26 *2018.*

27 *Repeal Eff. March 1, 2026.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0106 (Amendment)

DEADLINE FOR RECEIPT: April 15, 2026

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In reviewing this Rule, the staff recommends the following changes be made:

Form 0400: You failed to fill out section 9B. Please update.

(1): Add a comma after "address".

History Note, Authority (line 14): Consider adding § 17E-4 here.

History Note, line 19: Change the effective date to May 1st.

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 7, 2026

1 **12 NCAC 10B .0106 is amended as published in 40:13 NCR 1068-1069 as follows:**

2

3 **12 NCAC 10B .0106 PROCEDURES FOR PETITIONS FOR ~~RULE-MAKING~~ RULEMAKING**

4 In addition to the procedures set out in G.S. 150B-20, Petitions for ~~Rule-Making~~ Rulemaking shall be submitted to
5 the Commission and shall contain:

- 6 (1) petitioner's name, address and telephone number;
- 7 (2) a draft of the proposed rule or rule change;
- 8 (3) the reason for its proposal;
- 9 (4) the effect of the proposal on existing rules or decisions;
- 10 (5) data supporting the proposal;
- 11 (6) practices likely to be affected by the proposal; and
- 12 (7) a list or description of persons likely to be affected by the proposed rule.

13

14 *History Note: Authority G.S. 150B-20;*
15 *Eff. January 1, 1990;*
16 *Amended Eff. January 1, 1993;*
17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
18 *2018.*
19 *Amended Eff. March 1, 2026.*

20

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0107 (Amendment)

DEADLINE FOR RECEIPT: April 15, 2026

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In reviewing this Rule, the staff recommends the following changes be made:

Form 0400: You failed to fill out section 9B. Please update.

(a)(1): Add a comma after "address".

History Note, Authority (line 27): Consider adding § 17E-4 here.

History Note, line 32: Change the effective date to May 1st.

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 7, 2026

1 **12 NCAC 10B .0107 is amended as published in 40:13 NCR 1068-1069 as follows:**

2
3 **12 NCAC 10B .0107 PROCEDURES FOR PETITIONS FOR DECLARATORY RULINGS**

4 (a) In addition to the procedures set out in G.S. 150B-4, ~~Petitions for Declaratory Rulings~~ petitions for declaratory
5 rulings shall be submitted to the Commission and shall contain:

- 6 (1) petitioner's name, address and telephone number;
- 7 (2) the ~~statute(s), rule(s)~~ statutes, rules, or both to which the request relates;
- 8 (3) ~~all~~ facts and information which are relevant to the request;
- 9 (4) a concise statement of the manner in which petitioner has been aggrieved;
- 10 (5) a draft of the ~~Declaratory Ruling~~ declaratory ruling sought by ~~petitioner~~ petitioner, ~~(if if a specified~~
11 ~~outcome is sought by petitioner);~~ petitioner;
- 12 (6) practices likely to be affected by the ~~Declaratory Ruling;~~ declaratory ruling;
- 13 (7) a list or description of persons likely to be affected by the ~~Declaratory Ruling;~~ declaratory ruling;
14 and
- 15 (8) a statement as to whether the petitioner desires to present oral argument (~~not to exceed 30 minutes~~),
16 to the Commission prior to its decision.

17 (b) The Commission ~~may shall~~ refuse to issue a ~~Declaratory Ruling~~ declaratory ruling when:

- 18 (1) the petition does not comply with Paragraph (a) of this Rule;
- 19 (2) the Commission has previously issued a ~~Declaratory Ruling~~ declaratory ruling on substantially
20 similar facts;
- 21 (3) the Commission has previously issued a ~~Final Agency Decision~~ final agency decision in a contested
22 case on substantially similar facts;
- 23 (4) the facts underlying the request for a ~~Declaratory Ruling~~ declaratory ruling were specifically
24 considered at the time of the adoption of the rule in question; or
- 25 (5) the subject matter of the request is involved in pending litigation.

26
27 *History Note: Authority G.S. 150B-4;*

28 *Eff. January 1, 1990;*

29 *Amended Eff. August 1, 1998;*

30 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
31 *2018.*

32 *Amended Eff. March 1, 2026.*