

12 NCAC 10B .0406 is proposed for amendment as follows:

12 NCAC 10B .0406 ~~LATERAL TRANSFER/REINSTATEMENTS~~ LATERAL TRANSFERS AND REINSTATEMENTS

(a) The ~~General~~ general certification, pursuant to Rule .0404 of this Section, or ~~Grandfather Certification~~ grandfather certification, as defined in G.S. 17E-7(a), of ~~an officer~~ a detention officer, as defined in Rule .0103(6) of this Subchapter, or a telecommunicator, as defined in Rule .0103(20) of this Subchapter, ~~meeting the requirements of 12 NCAC 10B .0103(16) may be~~ is eligible for lateral transfer ~~laterally transfer transferred~~ to an agency and be certified upon compliance with this Rule, without having to repeat the requirements set out in 12 NCAC 10B .0303. Paragraphs (b) and (c) of this Rule.

(b) The employing agency shall verify the applicant's certification status with the Division prior to submission of the application for certification ~~as a justice officer,~~ as a lateral transfer.

(c) In order for ~~an~~ a detention officer or telecommunicator to be certified pursuant to Paragraph (a) of this Rule, the employing agency shall submit to the Division, along with the Report of Appointment (F-4 or F-4T), the documents required in ~~12 NCAC 10B .0408.~~ Rule .0408 of this Section.

(d) ~~An~~ A justice officer whose certification ~~has been~~ was suspended pursuant to ~~12 NCAC 10B .0204(b)(1) Rule .0204(b)(1) of this Subchapter may have~~ is eligible to have the ~~that~~ certification reinstated provided that:

- (1) the period of suspension ~~has been~~ was six months or less; and
- (2) the employing agency submits to the Division, along with a Report of Appointment, the documents required in ~~12 NCAC 10B .0305.~~ Rule .0408 of this Subchapter except Subparagraphs (1), (2), (3), (4), and (5) of Paragraph (a); and
- (3) the officer has successfully completed the basic training requirements as prescribed in ~~12 NCAC 10B .0500 or .0600 or .1300.~~ Sections .0500, .0600, or .1300 of this Subchapter.

(e) ~~An~~ A justice officer for whom a Report of Separation (Form F-5) has been submitted to the Division, and who is re-appointed in the same agency, ~~may be reinstated~~ is eligible for reinstatement provided that:

- (1) the period of separation has been six-months or less; and
- (2) the employing agency submits to the Division, along with a Report of Appointment, the documents required in ~~12 NCAC 10B .0305.~~ Rule .0408 of this Subchapter except Subparagraphs (1), (2), (3), (4), and (5) of Paragraph (a).

~~(f) Requirements of Paragraph (e) of this Rule are waived for officers whose certifications are reinstated pursuant to Paragraphs (d) and (e) of this Rule.~~

~~(g) All information maintained pursuant to the requirements of this Rule shall be subject to all state and federal laws governing confidentiality.~~

History Note: Authority G.S. 17E-4; 17E-7;

Eff. January 1, 1989;

Amended Eff. January 1, 1994; January 1, 1993; January 1, 1992; July 1, 1990;

1 *Temporary Amendment Eff. March 1, 1998;*
2 *Amended Eff. January 1, 2009; January 1, 2005; August 1, 2002; August 1, 1998;*
3 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
4 *2018;*
5 *Amended Eff. May 1, 2025; December 1, 2023.*
6
7

1 12 NCAC 10B .0411 is proposed for adoption as follows:

2
3 **12 NCAC 10B .0411 IN-STATE LATERAL TRANSFER OF A DEPUTY SHERIFF**
4

5 (a) A North Carolina law enforcement officer is eligible to transfer their certification from one law enforcement
6 agency to another law enforcement agency and be certified as a deputy sheriff if the officer:

7 (1) has completed basic law enforcement training and holds general or probationary certification from
8 the Commission or the Criminal Justice Education and Training Standards Commission; and

9 (2) has not had more than a 12-month consecutive break in service immediately preceding the current
10 application.

11 (b) Prior to certification being transferred per this rule, the sheriff's office considering the applicant for employment
12 as a deputy sheriff shall complete the following tasks and submit a Lateral Report of Appointment, Form F-4A, to the
13 Division reporting that the employing agency has completed these tasks and provided the requested documents:

14 (1) obtained and forwarded the applicant's fingerprints to the North Carolina State Bureau of
15 Investigation, in compliance with the requirements set forth in Rule .0303 of this Subchapter,
16 reviewed the results of the criminal history record check provided as a result, and provided a copy
17 of the results to the Division;

18 (2) completed the AOC-CR-280 Law Enforcement Application for Verification of Expunction form and
19 provided the results to the Division;

20 (3) submitted to the Division a certified copy of the applicant's oath of office;

21 (4) obtained a signed and notarized Authorization for Release of Information from the applicant,
22 pursuant to Rule .0305 of this Subchapter, forwarded the Authorization for Release of Information
23 to the Division, and reviewed the following documents of the applicant maintained by or on behalf
24 of any North Carolina law enforcement agency where the applicant was employed for any part of
25 the five year period preceding the current application:

26 (A) the personnel file including confidential information as defined by G.S. 153A-98, G.S.
27 160A-168, and G.S. 126-24;

28 (B) Report of Separation, Form F-5, if the applicant has separated;

29 (C) Background Investigation, Form F-8; and

30 (D) any internal investigations.

31 (5) verified that the applicant:

32 (A) has not had more than a 12-month consecutive break in service immediately preceding the
33 current application;

34 (B) has completed all mandatory in-service training for the preceding calendar year;

35 (C) has not been charged with or been convicted of criminal offenses that would prohibit
36 certification pursuant to the Rule of this Subchapter;

(D) has not been the subject of any internal investigation within the last 18 months that contains allegations of a potential violation of the Rules of this Subchapter; and

(E) has qualified with the assigned duty weapon which has been recorded on the Firearm Qualification Record, Form F-9A, and satisfactorily completed the sheriff's office's in-service firearms training program, as prescribed in Rules .2103 and .2104 of this Subchapter. The Firearm Qualification Record shall be submitted to the Division with the Lateral Report of Appointment.

(c) Form F-4A, Lateral Report of Appointment, is completed by the employing agency in which the agency verifies that it has completed the items required in (b) of this rule.

History Note: Authority G.S. 17E-4; 17E-7

Eff. May 1, 2025.

1 12 NCAC 10B .0505 is proposed for amendment as follows:

2
3 **12 NCAC 10B .0505 EVALUATION FOR TRAINING WAIVER**

4 This Rule shall be used by Division staff in evaluating an applicant's training and experience to determine eligibility
5 for a waiver of training as set forth in ~~12 NCAC 10B .0504(a)~~, Rule .0504(a) of this Section.

6 (1) Persons who separated from a sworn law enforcement position during their probationary period after
7 having completed a ~~commission-certified~~ Commission-accredited Basic Law Enforcement Training
8 Course as set forth in 12 NCAC 09B .0205 and who have been separated from a sworn law
9 enforcement position for one year or less shall serve the remainder of the initial certification
10 probationary period in accordance with G.S. 17E-7(b), but ~~need~~ shall not be required to complete
11 an additional training program.

12 (2) Persons who separated from a sworn law enforcement position during their probationary period
13 without having completed Basic Law Enforcement Training, or whose certification was suspended
14 pursuant to ~~12 NCAC 10B .0204(b)(1)~~, Rule .0204(b)(1) of this Subchapter, and who have remained
15 separated or suspended for over one year shall:

16 (a) complete a ~~commission-certified~~ Commission-accredited Basic Law Enforcement
17 Training Course as set forth in 12 NCAC 09B .0205 in its entirety;

18 (b) pass the ~~State Comprehensive Examination~~; state comprehensive examination as set forth
19 in 12 NCAC 09B .0406; and

20 (c) complete a 12 month certification probationary period ~~as prescribed in 12 NCAC 10B~~
21 ~~.0503(a)~~; period which begins on the date he or she takes the Oath of Office.

22 (3) ~~Persons transferring to a Sheriff's Office from another law enforcement agency who held~~
23 ~~certification and who have previously completed a commission-certified Basic Law Enforcement~~
24 ~~Training Course beginning on or after October 1, 1984, and who have been separated from a sworn~~
25 ~~law enforcement position for no more than one year or who have had no break in service shall~~
26 ~~complete the following topics of a commission-certified Basic Law Enforcement Training Course:~~

27 (a) Civil Process 24 hours

28 (b) ~~Sheriffs' Responsibilities: Detention Duties~~ 4 hours

29 (c) ~~Sheriffs' Responsibilities: Court Duties~~ 6 hours

30 UNIT TOTAL 34 hours

31 ~~Following completion of the required training topics, the applicant shall pass that portion of the~~
32 ~~State Comprehensive Examination which deals with those subjects within 12 months of the date of~~
33 ~~appointment as defined in 12 NCAC 10B .0103(1).~~

34 (4)(3) Unless a waiver has been granted pursuant to ~~12 NCAC 10B .1901~~, Rule .1901 of this Subchapter,
35 persons who have any training and experience as a military law enforcement officer and are
36 appointed as a deputy sheriff in North Carolina shall, within ~~the 12 month probationary period set~~
37 ~~forth in 12 NCAC 10B .0503(a)~~, one year of the date of his or her Oath of Office complete:

- (a) ~~a commission-certified~~ Commission-accredited Basic Law Enforcement Training Course as set forth in 12 NCAC 09B .0205 in its entirety regardless of previous military training and experience; and
- (b) ~~pass the State Comprehensive Examination;~~ state comprehensive examination as set forth in 12 NCAC 09B .0406.
- (5) ~~Persons transferring to a sheriff's office from another law enforcement agency who have previously completed a commission-certified Basic Law Enforcement Training Course beginning on or after January 1, 1996 through July 1, 1997, and who did not complete the Commission's Driver Training curriculum, and who have been separated from a sworn law enforcement position for no more than one year or who have had no break in service shall complete the following topic of a Commission-certified Basic Law Enforcement Training Course within 12 months of the date of appointment as defined in 12 NCAC 10B .0103(1): Law Enforcement Driver Training 40 hours.~~
- (6)(4) ~~North Carolina applicants~~ Applicants who previously held certification with the Commission or the North Carolina Criminal Justice Education and Training Standards Commission; qualified out-of-state transferees; and ~~qualified~~ federal transferees who meet the requirements set forth in Items (7), (8) and (9) (5), (6), and (7) of this Rule shall be allowed to select one of the following two options for gaining North Carolina certification as a deputy sheriff:
- (a) ~~Undertake and successfully complete~~ Complete the Basic Law Enforcement Training Course as set forth in 12 NCAC 09B .0205 in its entirety during a one year certification probationary period and ~~successfully pass the State Comprehensive Examination;~~ state comprehensive examination as set forth in 12 NCAC 09B .0406; or
- (b) ~~Pass~~ Complete the following entry criteria:
- (i) ~~Challenge~~ Pass the Basic Law Enforcement Training ~~Comprehensive State Examination~~ state comprehensive examination as set forth in 12 NCAC 09B .0406 ~~to be delivered at the end of an ongoing Basic Law Enforcement Training Course~~ Course. and successfully pass each unit examination of the comprehensive examination with a minimum score of 70%. Any applicant failing to pass more than two unit examinations shall complete the Basic Law Enforcement Training Course in its entirety. Any applicant failing one or two unit examinations shall enroll in each topic area which comprises that unit taught in a subsequent BLET course and submit to the unit examination at the end of the course and pass that unit examination; If the applicant fails to pass the examination, he or she may attempt to pass the examination one additional time. If the applicant fails to pass the examination on the second attempt, the applicant shall be required to complete the Basic Law Enforcement Training Course as set forth in 12 NCAC 09B .0205 in its entirety and pass the state comprehensive examination as set forth in 12 NCAC 09B .0406 during their one year certification probationary period;

- (ii) Each applicant who is authorized by the employing sheriff to carry a firearm shall prior to appointment complete with passing scores the Commission's In-service Firearms Training and Qualification Program as prescribed in Rule .2104 of this Subchapter.
- ~~(ii)~~(iii) Each applicant shall demonstrate proficiency in the following skills related activities ~~activities. to the satisfaction of an instructor certified by the North Carolina Criminal Justice Education and Training Standards Commission in the corresponding topical area.~~ Successful completion of the skills related activities as set out in this ~~rule~~ Rule shall be documented by the certified ~~instructor on the corresponding Commission approved form found in the "Basic Law Enforcement Training Manual" published by the North Carolina Justice Academy and provided by the Division.~~ instructor and submitted to the Division.
- (A) ~~I~~ First Responder;
- (B) ~~Firearms;~~
- (C) ~~II~~ Law Enforcement Driver Training;
- (D) ~~III~~ Physical Fitness; Officer Health and Wellness; and
- (E) ~~IV~~ Subject Control Arrest Techniques. Compliance and Control Tactics.
- (iii) ~~Any applicant failing to pass a unit examination after remediation as referenced in this Rule shall be required to complete Basic Law Enforcement Training in its entirety; and~~
- (iv) All criteria referenced in this Rule ~~must~~ shall be successfully completed within the one-year certification probationary period. ~~period as set forth in Rule .0504 of this Section.~~
- ~~(7)~~(5) North Carolina applicants referenced in Item (4) of this Rule shall:
- (a) have a minimum of two years full-time sworn law enforcement experience that occurred prior to their application;
- (b) have had a break in service exceeding one year;
- (c) have previously received ~~General~~ general or ~~Grandfather~~ grandfather, in accordance with G.S. 17C-10(a) or G.S. 17E-7(a), certification as a sworn law enforcement officer by either the Commission or the North Carolina Criminal Justice Education and Training Standards Commission, and such certification has not been denied, ~~revoked~~ revoked, or suspended by either Commission; and
- (d) have held general powers of arrest.
- ~~(8)~~(6) Out-of-state transferees referenced in Item (4) of this Rule shall:
- (a) have a minimum of two years full-time sworn law enforcement experience that occurred prior to their ~~application;~~ application. An applicant's attendance at his or her basic law

enforcement training course shall not count towards the two years full-time sworn law enforcement experience;

(b) have held certification ~~in good standing~~ as a sworn law enforcement officer from the appropriate ~~Peace Officer's Standards and Training~~ peace officer's standards and training entity in the transferee's respective ~~state; state~~ and such certification has not been denied, revoked, or suspended;

(c) have had general powers of arrest; and

(d) submit documentation verifying their qualified status.

~~(9)(7)~~ Federal Transferees referenced in Item (4) of this Rule shall:

(a) have a minimum of two years full-time sworn law enforcement experience;

(b) have held certification or commissioning as a sworn law enforcement officer from the appropriate federal entity authorized to issue such sworn law enforcement officers certification or ~~commission; commission~~, and such certification or commission has not been denied, revoked, or suspended.

(c) have held general powers of arrest; and

(d) submit documentation verifying their qualified status.

~~(10) Persons transferring to a sheriff's office from another law enforcement agency who held certification, who have previously been granted a training waiver by the North Carolina Criminal Justice Commission and who have been separated from a sworn law enforcement position for no more than one year or who had no break in service shall not be required to complete the Basic Law Enforcement Training course, but shall have the waiver honored by this Commission.~~

~~(11) Persons previously holding Grandfather law enforcement certification in accordance with G.S. 17C-10(a) or G.S. 17E-7(a) who have been separated from a sworn law enforcement position for less than one year or have had no break in service shall not be required to complete a commission-certified Basic Law Enforcement Training Course.~~

History Note: Authority G.S. 17E-4; 17E-7;

Eff. January 1, 1989;

Amended Eff. January 1, 2005; August 1, 2002; August 1, 2000; August 1, 1998; February 1, 1998; January 1, 1996; January 1, 1994; January 1, 1993; January 1, 1992;

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

Amended Eff. May 1, 2025; January 1, 2019.