

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

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0204

DEADLINE FOR RECEIPT: October 21, 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:

On p 2, lines 22, I think "or" makes more sense grammatically than "and includes". I.e. "per G.S. 14-27.20 ~~and includes~~ or vaginal".

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

1 **12 NCAC 10B .0204 is amended as published in 41:01 NCR 8-16 as follows:**
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4 **12 NCAC 10B .0204 SUSPENSION: REVOCATION: OR DENIAL OF CERTIFICATION**

5 (a) The Commission shall revoke or deny the certification of a justice officer when the Commission finds that the
6 applicant for certification or the certified officer has committed or been convicted of:

- 7 (1) a felony; or
8 (2) a crime for which the authorized punishment could have been imprisonment for more than two
9 years.

10 (b) The Commission shall revoke, deny, or suspend the certification of a justice officer when the Commission finds
11 that the applicant for certification or the certified officer:

- 12 (1) has not enrolled in and satisfactorily completed the required basic training course in its entirety
13 within a one year time period as specified by the rules in this Subchapter;
14 (2) fails to meet or maintain any of the employment or certification standards required by 12 NCAC
15 10B .0300;
16 (3) fails to satisfactorily complete the in-service training requirements as presented in 12 NCAC 10B
17 .2000 and .2100 or 12 NCAC 09E .0100;
18 (4) has refused to submit to the drug screen as required by the rules in this Chapter or the rules of the
19 Criminal Justice Education and Training Standards Commission or has refused to submit to an in-
20 service drug screen pursuant to the guidelines set forth in the Drug Screening Implementation
21 Guide as required by the employing agency through which the officer is certified;
22 (5) has produced a positive result on any drug screen reported to the Commission as specified in 12
23 NCAC 10B .0410 or reported to any commission, agency, or board established to certify, pursuant
24 to said commission, agency, or boards' standards, a person as a justice officer, a corrections officer
25 as defined in 12 NCAC 09G .0102 or a criminal justice officer as defined in 12 NCAC 09A
26 .0103(7), unless the positive result is due to a medically indicated cause.

27 (c) The Commission may revoke, deny, or suspend the certification of a justice officer when the Commission finds
28 that the applicant for certification or certified justice officer:

- 29 (1) has knowingly made a material misrepresentation of any information required for certification or
30 accreditation from the Commission or the North Carolina Criminal Justice Education and Training
31 Standards Commission. This Subparagraph also applies to obtaining or attempting to obtain in-
32 service firearms requalification as required by 12 NCAC 10B .2000 and .2100;
33 (2) has knowingly and designedly by any means of false pretense, deception, fraud, misrepresentation
34 or cheating whatsoever, obtained or attempted to obtain credit, training or certification from the
35 Commission or the North Carolina Criminal Justice Education and Training Standards
36 Commission. This Subparagraph also applies to obtaining or attempting to obtain in-service
37 firearms requalification as required by 12 NCAC 10B .2000 and .2100;

- 1 (3) has knowingly and designedly by any means of false pretense, deception, fraud, misrepresentation
2 or cheating whatsoever, aided another in obtaining or attempting to obtain credit, training, or
3 certification from the Commission or the North Carolina Criminal Justice Education and Training
4 Standards Commission. This Subparagraph also applies to obtaining or attempting to obtain
5 in-service firearms requalification as required by 12 NCAC 10B .2000 and .2100;
- 6 (4) has been removed from office by decree of the Superior Court in accordance with the provisions
7 of G.S. 128-16 or has been removed from office by sentence of the court in accord with the
8 provisions of G.S. 14-230; or
- 9 (5) has been denied certification or had such certification suspended or revoked by the North Carolina
10 Criminal Justice Education and Training Standards Commission, or a similar North Carolina, out-
11 of-state or federal approving, certifying or licensing ~~agency~~; agency; or
- 12 (6) has engaged in sexual activity, whether in uniform of the employing agency or out of uniform,
13 (A) while on duty;
14 (B) while on or off duty in a motor vehicle owned or under the control of a law enforcement
15 agency;
16 (C) while on or off duty on the premises operated by the employing criminal justice agency;
17 (D) while in uniform of the employing agency in a public place;
18 (E) with an employee with whom the person had at the time supervisory responsibilities; or
19 (F) with a student who at the time is enrolled in a Commission-approved course in which the
20 officer is an instructor, qualified assistant, or school director.
21 For purposes of this subsection, sexual activity includes any act defined as a sexual act or sexual
22 contact per G.S. 14-27.20 and includes vaginal intercourse; or
- 23 (7) has been found to be untruthful during a criminal or internal formal investigation conducted by a
24 law enforcement agency or during an investigation for a rules violation conducted by the North
25 Carolina Criminal Justice Standards Division, North Carolina Sheriffs' Standards Division, or the
26 North Carolina Company and Campus Police Administrator.
- 27 (d) The Commission may revoke, suspend or deny the certification of a justice officer when the Commission finds
28 that the applicant for certification or the certified officer has committed or been convicted of:
- 29 (1) a crime or unlawful act defined in 12 NCAC 10B .0103(17)(b) as a Class B misdemeanor and
30 which occurred after the date of appointment;
- 31 (2) a crime or unlawful act defined in 12 NCAC 10B .0103(17)(b) as a Class B misdemeanor within
32 the five-year period prior to the date of appointment;
- 33 (3) four or more crimes or unlawful acts defined in 12 NCAC 10B .0103(17)(b) as Class B
34 misdemeanors regardless of the date of commission or conviction;
- 35 (4) an accumulation of four or more crimes or unlawful acts defined in 12 NCAC 10B .0103(17)(a) as
36 a Class A misdemeanor, regardless of the date of commission or conviction except the applicant

1 shall be certified if the last conviction or commission occurred more than two years prior to the
2 date of appointment; or

- 3 (5) any combination of four or more crimes or unlawful acts defined in 12 NCAC 10B .0103(17)(a) as
4 a Class A misdemeanor or defined in 12 NCAC 10B .0103(17)(b) as a Class B misdemeanor
5 regardless of the date of commission or conviction.

6 (e) Without limiting the application of G.S. 17E, a person who has had his certification suspended or revoked shall
7 not exercise the authority or perform the duties of a justice officer during the period of suspension or revocation.

8 (f) Without limiting the application of G.S. 17E, a person who has been denied certification revoked shall not be
9 employed or appointed as a justice officer or exercise the authority or perform the duties of a justice officer.

10 (g) If the Commission does revoke, suspend, or deny the certification of a justice officer pursuant to this Rule, the
11 period of such sanction shall be as set out in 12 NCAC 10B .0205.

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

14 *Eff. January 1, 1990;*

15 *Amended Eff. July 1, 1990;*

16 *Recodified from 12 NCAC 10B .0204 Eff. January 1, 1991;*

17 *Amended Eff. April 1, 1991; January 1, 1991;*

18 *Recodified from 12 NCAC 10B .0207 Eff. January 1, 1992;*

19 *Amended Eff. January 1, 2009; January 1, 2008; January 1, 2007; January 1, 2006; March 1,*
20 *2005; January 1, 2005; August 1, 1998; January 1, 1996; January 1, 1995; January 1, 1994;*
21 *January 1, 1993;*

22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
23 *2018;*

24 *Amended Eff. November 1, 2026; December 1, 2023; February 1, 2023.*
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REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0304

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

On lines 5 and 28, you require two forms (F-1 and F-2). Are the contents or substance of these forms specified by rule or statute? See RRC Guidance of Forms: <https://www.oah.nc.gov/rrc-final-guidance-forms/open>

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

12 NCAC 10B .0304 is amended as published in 41:01 NCR 8-16 as follows:

12 NCAC 10B .0304 MEDICAL EXAMINATION

(a) Each applicant for certification or enrollment in a Commission-certified basic training course shall complete, sign, and date the Commission's Medical History Statement Form (F-1) and shall be examined by either a physician, surgeon, physician's assistant, or nurse practitioner, who is licensed to practice in North Carolina, or who is authorized to practice medicine in accordance with the rules and regulations of the United States Armed Forces, as outlined in 10 U.S.C. 1094, to help determine his or her fitness to carry out the physical requirements of the position of justice officer.

(b) The requirements of this rule shall be waived if the applicant for entry into any Commission-certified basic training course is:

- (1) currently certified through the N.C. Sheriff's Education and Training Standards Commission as a justice officer;
- (2) is seeking dual certification;
- (3) has completed the required Medical History Statement (F-1) and medical exam for entry into a previously attended, completed Commission-certified basic training course; and
- (4) the previous Medical History Statement and medical exam were completed within five years from the date of enrollment.

~~(b)(c)~~ Prior to being examined, the applicant shall provide the examining surgeon, physician, physician's assistant, or nurse practitioner with:

- (1) the Medical History Statement Form (F-1) which must be read, completed, and signed; and
- (2) the Instructions to Agency and Examiner for Completion of Medical Examination Report Form (F-2A) attached to the Medical Examination Report Form (F-2).

~~(e)(d)~~ The "Medical Screening Guidelines Implementation Manual for Certification of Justice Officers" in the State of North Carolina as published by the North Carolina Department of Justice may be obtained, at no cost, at <https://ncdoj.gov/law-enforcement-training/sheriffs/>.

~~(d)(e)~~ The examining physician, surgeon, physician's assistant, or nurse practitioner shall record the results of the examination on the Medical Examination Report Form (F-2) and shall sign and date the form.

~~(e)(f)~~ The Medical Examination Report Form (F-2) and the Medical History Statement Form (F-1) shall be valid for one year after the date the examination was conducted and shall be completed prior to:

- (1) the applicant's beginning the Detention Officer Certification Course, the Basic Law Enforcement Training Course, or the Telecommunicator Certification Course; and
- (2) the agency submission of application for certification to the Commission.

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

Eff. January 1, 1989;

Amended Eff. January 1, 1996; January 1, 1993; January 1, 1991; January 1, 1990;

1 *Temporary Amendment Eff. March 1, 1998;*
2 *Amended Eff. January 1, 2018; January 1, 2009; August 1, 2002; April 1, 2001; 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. November 1, 2026; April 1, 2023; January 1, 2023.*

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

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0408

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

On lines 6 and 24, you require two forms (F-4 and F-3). Are the contents or substance of these forms specified by rule or statute? See RRC Guidance of Forms: <https://www.oah.nc.gov/rrc-final-guidance-forms/open>

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

1 **12 NCAC 10B .0408 is amended as published in 41:01 NCR 8-16 as follows:**

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3 **12 NCAC 10B .0408 VERIFICATION OF RECORDS TO DIVISION**

4 (a) Before the Division will issue certification of a justice officer, the employing agency shall submit to the
5 Division the following documents:

- 6 (1) the Report of Appointment (F-4);
- 7 (2) a copy of the applicant's Oath of Office, if applying for certification as a deputy sheriff;
- 8 (3) documentation of the applicant's compliance with the probationary certification requirements
9 pursuant to Rule .0403(f) of this Section by submitting the applicant's Firearms Qualification
10 Record, Form F-9A, if the applicant is a deputy sheriff or a detention officer and is authorized by
11 the sheriff to carry a firearm;
- 12 (4) the results of the fingerprint criminal history records check of the applicant pursuant to Rule .0303
13 of this Subchapter;
- 14 (5) the applicant's processed Administrative Office of the Courts' AOC-CR-280 form as set forth in
15 Rule .0305 of this Subchapter;
- 16 (6) the applicant's Release Authorization as set forth in Rule .0305 of this Subchapter;
- 17 (7) copies of court documentation and final disposition from the Clerk of Court in the county of
18 adjudication of all criminal offenses for which the applicant was charged, arrested, pleads no
19 contest, pleads guilty, or of which the applicant was found guilty. This shall include traffic
20 offenses identified as a class B misdemeanor as defined in Rule .0103(17)(b) of this Subchapter
21 and offenses of driving under the influence (DUI) or driving while impaired (DWI);
- 22 (8) a notarized written statement from the applicant providing a description of the circumstances
23 surrounding all criminal offenses identified pursuant to Subparagraph (7) of this Paragraph; and
- 24 (9) the applicant's Personal History Statement (F-3) if the applicant reports any charges as referenced
25 in Subparagraph (7) of this Paragraph or any expunged charges pursuant to Subparagraph (5) of
26 this Paragraph.
- 27 (10) Criminal history pursuant to Rule 10B .0305(5)(A)(B)(C). Record checks shall be performed on
28 each name by which the applicant for certification has been known since obtaining the age of 18
29 years of age.

30 (b) Compliance with this Rule is waived, with the exception of the requirements of Subparagraphs (a)(1), (2), and
31 (3) of this Rule for officers applying for dual certification as defined in Rule .0103(9) of this Subchapter provided
32 that:

- 33 (1) the officer holds a valid certification issued by this Commission as either a deputy sheriff,
34 detention officer, or telecommunicator, with the employing agency requesting dual certification;
35 and
- 36 (2) the officer has continuously been employed as a justice officer with the agency.

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

1 *Eff. January 1, 1989;*
2 *Recodified from 12 NCAC 10B .0407 Eff. January 1, 1991;*
3 *Amended Eff. January 1, 1996; January 1, 1994; January 1, 1993; January 1, 1992;*
4 *Temporary Amendment Eff. March 1, 1998;*
5 *Amended Eff. August 1, 2002; August 1, 1998;*
6 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
7 *2018;*
8 *Amended Eff. November 1, 2026; February 1, 2025; September 1, 2024; February 1, 2024;*
9 *December 1, 2023; April 1, 2023; February 1, 2023; January 1, 2023.*