12 NCAC 04J .0101 is proposed for adoption as follows:

SUBCHAPTER 4J - PENALTIES AND ADMINISTRATIVE HEARINGS

SECTION .0100 - DEFINITIONS AND PENALTY PROVISIONS

12 NCAC 04J .0101 DEFINITIONS

As used in this Subchapter:

(1) "Revocation of Certification" means a DCIN user's certification is canceled for a period not to exceed one year. At the end of the revocation period the user must attend the DCIN Module 1 certification class. Notification of the revocation shall be sent by DCI via certified mail to the DCIN user and the user's agency head.

(2) "Suspension of Certification" means a DCIN user is prohibited from operating a DCIN device for a period not to exceed 90 days. Notification of the suspension shall be sent by DCI via certified mail to the DCIN user's agency head and to the DCIN user. The agency shall be audited within 90 days of reinstatement of a user's certification.

(3) "Suspension of Services" means an agency's direct access to DCIN is suspended for a period not to exceed two weeks after the North Carolina CJIS System Officer's (CSO) finding of fault, and the agency head must then appear before the CSO to respond to the cited violation. This suspension may be limited to certain files or may include a complete suspension of services, depending on the administrative procedure violated. The agency is subject to a re-audit after 90 days of reinstatement. Further violations of the same regulation, within two years from the date of the suspension, or failure to appear before the CSO to respond to the cited violation is grounds to cancel the user agreement with the agency.

Authority G.S. 114-10; 114-10.1.