

# **NORTH CAROLINA SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION**

## **PROPOSED RULE AMENDMENT**

12NCAC 10B .0407 MINIMUM TRAINING REQUIREMENTS



### **Public Hearing**

02/26/2020 10:00am  
1700 Tryon Park Drive  
Raleigh, NC 27610

### **Full Commission Vote**

March 20, 2020 (postponed)  
Chowan County, NC  
Teleconference Meeting April 23, 2020

## **Instructions for Oral and Written Comments**

The public comment period begins on January 2, 2020, and ends at 5:00 p.m. on March 2, 2020. Public comments shall be in writing and shall be directed to:

Diane Konopka  
North Carolina Department of Justice  
Sheriffs' Education and Training Standards Division  
Post Office Box 629  
Raleigh, NC 27602-0629

*"Public comment" is defined by NCGS 150B-21.3A(a)(5) as a written objection to all or part of a rule. Additionally, pursuant to NCGS 150B-21.3A(c)(2), in order for the Rules Review Commission to determine whether the public comment has merit, the public comment must address the specific substance of the rule and address any of the standards of Commission review, as set forth in NCGS 150B-21.9(a).*

Statutory Authority for Proposed Rules Changes: NCGS 17E: On September 13, 2019, the North Carolina Sheriffs' Education and Training Standards Commission proposed an amendment to 12NCAC 10B .0407 to further clarify the process for a former elected or appointed Sheriff to obtain justice officer certification upon leaving office.

Fiscal Impact: None

**\*\*\*If approved, change would be effective July 1, 2020\*\***

**Procedure for Subjecting a Proposed Rule to Legislative Review:**

If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

1 12 NCAC 10B .0407 IS AMENDED AS PUBLISHED IN VOLUME 34, ISSUE 13, PAGES 1204-1205 OF THE  
2 NORTH CAROLINA PUBLIC REGISTER, AS FOLLOWS:

3  
4  
5 12 NCAC 10B .0407 CERTIFICATION OF FORMER SHERIFF

6  
7 (a) The Division shall issue a General Certification to any person as either a deputy sheriff, a detention officer, or  
8 telecommunicator who has previously served as an elected or appointed sheriff, if the person:

- 9 (1) applies to the Commission within one year of ceasing to serve as an elected or appointed sheriff;  
10 and  
11 (2) has served as an elected or appointed sheriff for a minimum of eight years; and  
12 (3) left the office of sheriff in good standing.

13 (b) The Division shall issue a General Certification to any person as either a deputy sheriff, a detention officer, or  
14 telecommunicator who has previously served as an elected or appointed sheriff, if the person:

- 15 (1) applies to the Commission within one year of ceasing to serve as an elected or appointed sheriff;  
16 and  
17 (2) has served as an elected or appointed sheriff for a minimum of four years and has held a General  
18 Certification as deputy sheriff, detention officer, or telecommunicator with the North Carolina Sheriffs'  
19 Education and Training Standards Commission or has held a General Certification as a sworn officer with  
20 the North Carolina Criminal Justice Commission, with a break in service not to exceed one year prior to  
21 serving as an elected or appointed sheriff; and  
22 (3) left the office of sheriff in good standing.

23 ~~(b)~~ (c) In order for an officer to be certified under this Rule .0407, there must be:

- 24 (1) compliance with the Report of Appointment form requirement of Rule .0403 of this Section;  
25 (2) submitted to the Division, a copy of the Oath of Office for applicants requesting certification as a  
26 deputy sheriff; and  
27 (3) submitted to the Division verification that the applicant meets the requirement of this Rule  
28 .0407(a)(2).

29  
30 *History Note: Authority G.S. 17E-4; 17E-7;*  
31 *Eff. January 1, 1991;*  
32 *Amended Eff. January 1, 1996;*  
33 *Temporary Amendment Eff. March 1, 1998;*  
34 *Amended Eff. August 1, 1998;*  
35 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
36 *2018.*  
37 *Amended Eff. July 1, 2020*