

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



**12 NCAC 10B .0303 FINGERPRINT CRIMINAL HISTORY RECORDS
CHECK**

Public Hearing

August 22, 2023 @ 9:00am
1700 Tryon Park Drive
Raleigh, NC 27610

Instructions for Oral and Written Comments

The public comment period begins on August 1, 2023 and ends at 5:00 p.m. on September 15, 2023. Public comments shall be in writing and shall be directed to:

Melissa Bowman
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).

*****If approved, this change would become effective November 1, 2023*****

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.

****Statutory Authority for Proposed Rules Changes by the Sheriffs' Commission is found in NCGS 17E****

12 NCAC 10B .0303 FINGERPRINT CRIMINAL HISTORY RECORDS CHECK

(a) Each applicant for certification shall submit electronic fingerprints in the Statewide Automated Fingerprint Identification System (SAFIS).

(b) The employing agency shall forward the applicant's fingerprint record to the North Carolina State Bureau of Investigation for a criminal history record check utilizing fingerprints against state and federal files.

(c) The employing agency will receive a report of the results of the criminal history record check utilizing fingerprints against state and federal files from the North Carolina State Bureau of Investigation. The employing agency shall retain the results of the criminal history records check utilizing fingerprints in compliance with the North Carolina Department of Natural and Cultural Resources Retention Schedule established pursuant to G.S. 121-4 and G.S. 132-8.1. The employing agency shall include the results of the fingerprint criminal history record check with the applications submitted to the Commission.

(d) Each applicant for certification and certified justice officers shall also submit electronic fingerprints, other identifying information required by the State and National Repositories of Criminal Histories, and any other information required by the State Bureau of Investigation for their enrollment in the Federal Bureau of Investigation's Next Generation Identification (NGI) System and Criminal Justice Record of Arrest and Prosecution Background (Rap Back) Service.

~~(d)~~(e) Pursuant to 12 NCAC 10B .0301(a)(4) an applicant for certification as a justice officer may not perform any action requiring certification by the Commission prior to the date on which the employing agency receives the report of the result of the criminal history record check unitizing fingerprints.

History Note: Authority G.S. 17E-7; 143B-972.1;

Eff. January 1, 1989;

Amended Eff. August 1, 2000; 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. November 1, 2023; January 1, 2023.