

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



12 NCAC 10B .0403 Probationary Certification Requirement

Public Hearing

August 20, 2024 @ 9:00am
1700 Tryon Park Drive
Raleigh, NC 27610

Reason for rule change:

The Sheriff's Commission voted to not require sheriff deputies to complete Basic Law Enforcement Training (BLET) prior to taking their oath of office. The Commission voted to return to the previous requirement that BLET be completed during their probationary period.

Instructions for Oral and Written Comments

The public comment period begins on August 1, 2024 and ends at 5:00 p.m. on September 30, 2024. 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 December 1, 2024*****

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****

1 12 NCAC 10B .0403 is proposed for amendment as follows:

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3 **12 NCAC 10B .0403 PROBATIONARY CERTIFICATION REQUIREMENT**

4 (a) For certification as a deputy sheriff, ~~the applicant must successfully complete Basic Law Enforcement Training~~
5 ~~as described in 12 NCAC 10B .0502 and 12 NCAC 09B .0205,~~ and a Report of Appointment (Form F-4) ~~must shall~~
6 be submitted to the Division.

7 (b) For certification as a detention officer, a Report of Appointment (Form F-4) ~~must shall~~ be submitted to the
8 Division.

9 (c) For certification as a telecommunication officer, a Report of Appointment (Form F-4T) ~~must shall~~ be submitted
10 to the Division.

11 (d) Report of Appointment forms ~~must shall~~ be submitted to the Division by the employing agency no later than 10
12 days after the deputy sheriff has taken the Oath of Office, or the detention officer or the telecommunicator has been
13 appointed.

14 (e) The Division shall forward the justice officer's certification to the ~~appointing~~ employing agency.

15 (f) No deputy sheriff or detention officer probationary certification shall be issued by the Division prior to the
16 applicant meeting the conditions set forth in this Paragraph. As an additional requirement for probationary
17 certification, the applicant shall meet the following requirements:

18 (1) If the applicant for probationary certification is authorized by the sheriff to carry a firearm pursuant
19 to the provisions of ~~12 NCAC 10B .2104, Rule .2104 of this Subchapter,~~ the employing agency shall
20 submit evidence of satisfactory completion of the employing agency's in-service firearms training
21 and ~~requalification~~ qualification program pursuant to ~~12 NCAC 10B .2000 and .2100; Section .2100~~
22 of this Subchapter; or

23 (2) If the applicant for probationary certification is not authorized by the sheriff to carry a firearm
24 pursuant to the provisions of ~~12 NCAC 10B .2104, Rule .2104 of this Subchapter,~~ the employing
25 agency shall notify the Division, in writing, that the applicant is not authorized by the sheriff to
26 carry a firearm.

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28 *History Note: Authority G.S. 17E-4; 17E-7;*
29 *Eff. January 1, 1989;*
30 *Amended Eff. February 1, 1998, January 1, 1996; January 1, 1994; January 1, 1991;*
31 *Temporary Amendment Eff. March 1, 1998;*
32 *Amended Eff. August 1, 1998;*
33 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
34 *2018;*
35 *Amended Eff. December 1, 2024; July 1, 2024.*
36