NORTH CAROLINA SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION



12 NCAC 10B .0406 Lateral Transfer/Reinstatements

Public Hearing

February 11, 2025 @ 9:00am 1700 Tryon Park Drive Raleigh, NC 27610

Reason for rule change:

The Commission has proposed a new lateral transfer rule for deputy sheriffs (12 NCAC 10B .0411) which required amendments to this rule.

Instructions for Oral and Written Comments

The public comment period begins on January 15, 2025 and ends at 5:00 p.m. on March 17, 2025. Public comments shall be in writing and shall be directed to:

Richard Squires 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 May 1, 2025

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 .0406 is proposed for amendment as fol	lows
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3	12 NCAC 10B .0406	LATERAL TRANSFER/REINSTATEMENTS	LATERAL	TRANSFERS	AND
4		REINSTATEMENTS			

(a) The General general certification, pursuant to Rule .0404 of this Section, or Grandfather Certification grandfather
 certification, as defined in G.S. 17E-7(a), of an officer a detention officer, as defined in Rule .0103(6) of this

7 Subchapter, or a telecommunicator, as defined in Rule .0103(20) of this Subchapter, meeting the requirements of 12

8 NCAC 10B .0103(16) may be laterally transfer transferred to an agency and be certified upon compliance with this

- 9 Rule, without having to repeat the requirements set out in 12 NCAC 10B .0303. Paragraphs (b) and (c) of this Rule.
- 10 (b) The employing agency shall verify the applicant's certification status with the Division prior to submission of the

11 application for certification as a justice officer. as a lateral transfer.

- 12 (c) In order for an <u>a detention</u> officer <u>or telecommunicator</u> to be certified pursuant to Paragraph (a) of this Rule, the
- 13 employing agency shall submit to the Division, along with the Report of Appointment (F-4 or F-4T), the documents

14 required in 12 NCAC 10B .0408. Rule .0408 of this Section.

15 (d) An <u>A justice</u> officer whose certification has been suspended pursuant to 12 NCAC 10B .0204(b)(1) <u>Rule</u>

- 16 <u>.0204(b)(1) of this Subchapter</u> may have that certification reinstated provided that:
- 17 (1) the period of suspension has been six months or less; and
- 18(2)the employing agency submits to the Division, along with a Report of Appointment, the documents19required in 12 NCAC 10B .0305. Rule .0408 of this Subchapter except Subparagraphs (1), (2), (3),

20 (4), and (5) of Paragraph (a); and

(3) the officer has successfully completed the basic training requirements as prescribed in 12 NCAC
 10B.0500 or .0600 or .1300. Sections .0500, .0600, or .1300 of this Subchapter.

(e) An <u>A justice</u> officer for whom a Report of Separation (Form F-5) has been submitted to the Division, and who is
 re-appointed in the same agency, may be reinstated provided that:

- 25 (1) the period of separation has been six-months or less; and
- (2) the employing agency submits to the Division, along with a Report of Appointment, the documents
 required in 12 NCAC 10B .0305. <u>Rule .0408 of this Subchapter except Subparagraphs (1), (2), (3),</u>
 (4), and (5) of Paragraph (a).

(f) Requirements of Paragraph (c) of this Rule are waived for officers whose certifications are reinstated pursuant to
 Paragraphs (d) and (e) of this Rule.

31 (g) All information maintained pursuant to the requirements of this Rule shall be subject to all state and federal laws

32 governing confidentiality.

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34 History Note: Authority G.S. 17E-4; 17E-7;
35 Eff. January 1, 1989;
36 Amended Eff. January 1, 1994; January 1, 1993; January 1, 1992; July 1, 1990;
37 Temporary Amendment Eff. March 1, 1998.

1	Amended Eff. January 1, 2009; January 1, 2005; August 1, 2002; August 1, 1998;
2	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,
3	2018;
4	Amended Eff. <u>May 1, 2025;</u> December 1, 2023.
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