

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



12 NCAC 10B .0411 In-State Lateral Transfer of a Deputy Sheriff

Public Hearing

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

Reason for rule change:

This new rule allows for a lateral transfer option for law enforcement officers to transfer their certification from one law enforcement agency to another.

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 .0411 is proposed for adoption as follows:

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3 **12 NCAC 10B .0411 IN-STATE LATERAL TRANSFER OF A DEPUTY SHERIFF**

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5 (a) A North Carolina law enforcement officer is eligible to transfer their certification from one law enforcement
6 agency to another law enforcement agency and be certified as a deputy sheriff if the officer:

- 7 (1) has completed basic law enforcement training and holds general or probationary certification from
8 the Commission or the Criminal Justice Education and Training Standards Commission; and
9 (2) has not had more than a 12-month consecutive break in service immediately preceding the current
10 application.

11 (b) Prior to certification being transferred per this rule, the sheriff's office considering the applicant for employment
12 as a deputy sheriff shall submit a Lateral Report of Appointment, Form F-4A, to the Division reporting that the
13 employing agency has done the following and provided the requested documents:

- 14 (1) obtained and forwarded the applicant's fingerprints to the North Carolina State Bureau of
15 Investigation, in compliance with the requirements set forth in Rule .0303 of this Subchapter,
16 reviewed the results of the criminal history record check provided as a result, and provided a copy
17 of the results to the Division;
18 (2) completed the AOC-CR-280 Law Enforcement Application for Verification of Expunction form and
19 provided the results to the Division;
20 (3) submit to the Division a certified copy of the applicant's oath of office;
21 (4) obtained a signed and notarized Authorization for Release of Information from the applicant,
22 pursuant to Rule .0305 of this Subchapter, forwarded the Authorization for Release of Information
23 to the Division, and reviewed the following documents of the applicant maintained by or on behalf
24 of any North Carolina law enforcement agency where the applicant was employed for any part of
25 the five year period preceding the current application:
26 (A) the personnel file including confidential information as defined by G.S. 153A-98, G.S.
27 160A-168, and G.S. 126-24;
28 (B) Report of Separation, Form F-5, if the applicant has separated;
29 (C) Background Investigation, Form F-8; and
30 (D) any internal investigations.
31 (5) verified that the applicant:
32 (A) has not had more than a 12-month consecutive break in service immediately preceding the
33 current application;
34 (B) has completed all mandatory in-service training for the preceding calendar year;
35 (C) has not been charged with or been convicted of criminal offenses that would prohibit
36 certification pursuant to the Rule of this Subchapter;

1 (D) has not been the subject of any internal investigation within the last 18 months that contains
2 allegations of a potential violation of the Rules of this Subchapter; and

3 (E) has qualified with the assigned duty weapon which has been recorded on the Firearm
4 Qualification Record, Form F-9A, and satisfactorily completed the sheriff's office's in-
5 service firearms training program, as prescribed in Rules .2103 and .2104 of this
6 Subchapter. The Firearm Qualification Record shall be submitted to the Division with the
7 Lateral Report of Appointment.

8 (c) Form F-4A, Lateral Report of Appointment, is completed by the employing agency and contains a list of tasks to
9 be completed by the agency and documents to include with the form including identifying information about the
10 applicant, certification status, fingerprint response from the North Carolina State Bureau of Investigation, AOC-CR-
11 280 form, Authorization for Release of Information, applicant's personnel file review confirmation, mandatory in-
12 service training confirmation, and Firearm Qualification Record.

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15 History Note: Authority G.S. 17E-4; 17E-7

16 Eff. May 1, 2025.

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