

1 **12 NCAC 10B .0205 is proposed for amendment as follows:**

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3 **12 NCAC 10B .0205 PERIOD OF SUSPENSION, REVOCATION, OR DENIAL**

4 When the Commission suspends, revokes, or denies the certification of a justice officer, the period of sanction shall
5 be:

- 6 (1) permanent where the cause of sanction is:
- 7 (a) commission or conviction of a felony;
 - 8 (b) commission or conviction of a crime for which authorized punishment included
9 imprisonment for more than two years; or
 - 10 (c) the second revocation, suspension, or denial of an officer's certification for any of the
11 causes requiring at least a five-year period of revocation, suspension, or denial as set out
12 in Item (2) of this Rule.
- 13 (2) not less than five years where the cause of sanction is:
- 14 (a) commission or conviction of offenses as specified in 12 NCAC 10B .0204(d)(1);
 - 15 (b) material misrepresentation of any information required for certification or accreditation
16 from the Commission or the North Carolina Criminal Justice Education and Training
17 Standards Commission. A material misrepresentation is a false representation of fact or
18 omission of fact reported to or required to be reported to the Commission that if the true
19 fact were known would have induced or caused the Commission to have treated the
20 individual's certification or application for certification differently;
 - 21 (c) knowingly and designedly by any means of false pretense, deception, fraud,
22 misrepresentation or cheating, obtained or attempted to obtain credit, training or
23 certification from the Commission or the North Carolina Criminal Justice Education and
24 Training Standards Commission;
 - 25 (d) knowingly and designedly by any means of false pretense, deception, fraud,
26 misrepresentation or cheating, aiding another in obtaining or attempting to obtain credit,
27 training, or certification from the Commission or the North Carolina Criminal Justice
28 Education and Training Standards Commission. This Sub-Item also applies to obtaining
29 or attempting to obtain credit for in-service training as required by 12 NCAC 10B .1700,
30 .1800, .2000, or .2100;
 - 31 (e) failure to make ~~either~~ any of the notifications as required by 12 NCAC 10B .0301(13);
 - 32 (f) removal from office under the provisions of G.S. 128-16 or the provisions of G.S. 14-
33 230;
 - 34 (g) a positive result on a drug screen, refusal to submit to drug testing as required by the rules
35 in this Chapter or the rules of the Criminal Justice Education and Training Standards
36 Commission, or refusal to submit to an in-service drug screen pursuant to the guidelines

1 set forth in the Drug Screening Implementation Guide as required by the employing
2 agency through which the officer is ~~certified~~. certified;

3 (h) engaging in sexual activity outlined in .0204(c)(6) of this Subchapter; or

4 (i) untruthfulness during a criminal or internal formal investigation conducted by a law
5 enforcement agency or during an investigation for a rules violation conducted by the
6 Division, the Company and Campus Police Administrator, or the Criminal Justice
7 Standards Division as outlined in 12 NCAC 10B .0204(c)(7).

8 The Commission may either reduce or suspend the periods of sanction under this Item or substitute a period of
9 probation in lieu of revocation, suspension, or denial following an administrative hearing. This authority to reduce or
10 suspend the period of sanction may be utilized by the Commission when extenuating circumstances brought out at
11 the administrative hearing warrant such a reduction or suspension.

12 (3) for an indefinite period, but continuing so long as the stated deficiency, infraction, or impairment
13 continues to exist, where the cause of sanction is:

14 (a) failure to meet or satisfy relevant basic training requirements pursuant to Sections .0500,
15 .0600, and .1300 of this Subchapter.

16 (b) failure to meet or maintain the minimum standards of employment or certification
17 pursuant to 12 NCAC 10B .0301;

18 (c) failure to meet or satisfy the in-service training requirements as prescribed in 12 NCAC
19 10B .2000 or .2100 or 12 NCAC 09E .0100;

20 (d) commission or conviction of offenses as specified in 12 NCAC 10B .0204(d)(2), (3), (4)
21 and (5); or

22 (e) denial, suspension, or revocation of certification pursuant to 12 NCAC 10B .0204(c)(5).

23 The Commission may either reduce or suspend the periods of sanction where revocation, denial, or suspension of
24 certification is based upon a finding of a violation of 12 NCAC 10B .0204(d) or substitute a period of probation in
25 lieu of revocation, suspension, or denial following an administrative hearing. This authority to reduce or suspend the
26 period of sanction may be utilized by the Commission when extenuating circumstances brought out at the
27 administrative hearing warrant such a reduction or suspension.

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29 *History Note: Authority G.S. 17E-4; 17E-7; 17E-9;*

30 *Eff. January 1, 1991;*

31 *Recodified from 12 NCAC 10B .0208 Eff. January 1, 1992;*

32 *Amended Eff. January 1, 2013; January 1, 2009; January 1, 2008; January 1, 2007; January 1,*
33 *2006; March 1, 2005; January 1, 1995; January 1, 1994; January 1, 1993; January 1, 1992;*

34 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
35 *2018;*

36 *Amended Eff. November 1, 2026; January 1, 2023.*

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