

1 **12 NCAC 10B .0408 is proposed for amendment as follows:**  
2

3 **12 NCAC 10B .0408 VERIFICATION OF RECORDS TO DIVISION**

4 (a) Before the Division will issue certification of a justice officer, the employing agency shall submit to the  
5 Division the following documents:

- 6 (1) the Report of Appointment (F-4);
- 7 (2) a copy of the applicant's Oath of Office, if applying for certification as a deputy sheriff;
- 8 (3) documentation of the applicant's compliance with the probationary certification requirements  
9 pursuant to Rule .0403(f) of this Section by submitting the applicant's Firearms Qualification  
10 Record, Form F-9A, if the applicant is a deputy sheriff or a detention officer and is authorized by  
11 the sheriff to carry a firearm;
- 12 (4) the results of the fingerprint criminal history records check of the applicant pursuant to Rule .0303  
13 of this Subchapter;
- 14 (5) the applicant's processed Administrative Office of the Courts' AOC-CR-280 form as set forth in  
15 Rule .0305 of this Subchapter;
- 16 (6) the applicant's Release Authorization as set forth in Rule .0305 of this Subchapter;
- 17 (7) copies of court documentation and final disposition from the Clerk of Court in the county of  
18 adjudication of all criminal offenses for which the applicant was charged, arrested, pleads no  
19 contest, pleads guilty, or of which the applicant was found guilty. This shall include traffic  
20 offenses identified as a class B misdemeanor as defined in Rule .0103(17)(b) of this Subchapter  
21 and offenses of driving under the influence (DUI) or driving while impaired (DWI);
- 22 (8) a notarized written statement from the applicant providing a description of the circumstances  
23 surrounding all criminal offenses identified pursuant to Subparagraph (7) of this Paragraph; and
- 24 (9) the applicant's Personal History Statement (F-3) if the applicant reports any charges as referenced  
25 in Subparagraph (7) of this Paragraph or any expunged charges pursuant to Subparagraph (5) of  
26 this Paragraph.
- 27 (10) Criminal history pursuant to Rule 10B .0305(5)(A)(B)(C). Record checks shall be performed on  
28 each name by which the applicant for certification has been known since obtaining the age of 18  
29 years of age.

30 (b) Compliance with this Rule is waived, with the exception of the requirements of Subparagraphs (a)(1), (2), and  
31 (3) of this Rule for officers applying for dual certification as defined in Rule .0103(9) of this Subchapter provided  
32 that:

- 33 (1) the officer holds a valid certification issued by this Commission as either a deputy sheriff,  
34 detention officer, or telecommunicator, with the employing agency requesting dual certification;  
35 and
- 36 (2) the officer has continuously been employed as a justice officer with the agency.

37  
38 *History Note: Authority G.S. 17E-4; 17E-7;*

1 *Eff. January 1, 1989;*  
2 *Recodified from 12 NCAC 10B .0407 Eff. January 1, 1991;*  
3 *Amended Eff. January 1, 1996; January 1, 1994; January 1, 1993; January 1, 1992;*  
4 *Temporary Amendment Eff. March 1, 1998;*  
5 *Amended Eff. August 1, 2002; August 1, 1998;*  
6 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
7 *2018;*  
8 *Amended Eff. November 1, 2026; February 1, 2025; September 1, 2024; February 1, 2024;*  
9 *December 1, 2023; April 1, 2023; February 1, 2023; January 1, 2023.*

10