

**SUBCHAPTER 09B - STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT: EDUCATION: AND TRAINING****SECTION .0100 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT****12 NCAC 09B .0101 MINIMUM STANDARDS FOR CRIMINAL JUSTICE OFFICERS**

Every criminal justice officer employed by an agency in North Carolina shall:

- (1) be a citizen of the United States;
- (2) be at least 20 years of age;
- (3) be of good moral character pursuant to G.S. 17C-10 and as evidenced by the following:
  - (a) not having been convicted of a felony;
  - (b) not having been convicted of a misdemeanor as defined in 12 NCAC 09B .0111(1) for five years or the completion of any corrections supervision imposed by the courts, whichever is later;
  - (c) not having been convicted of an offense that, under 18 U.S.C. 922, incorporated by reference with subsequent amendments and editions (found at no cost at (<http://www.gpo.gov/fdsys/pkg/USCODE-2011-title18-part1-chap44-sec922.pdf>), would prohibit the possession of a firearm or ammunition;
  - (d) having submitted to and produced a negative result on a drug test within 60 days of employment or any in-service drug screening required by the appointing agency that meets the certification standards of the Department of Health and Human Services for Federal Workplace Drug Testing Programs. A list of certified drug testing labs that meet this requirement may be obtained, at no cost, at (<https://www.samhsa.gov/programs-campaigns/drug-free-workplace/guidelines-resources/drug-testing/certified-lab-list>);
  - (e) submitting to a background investigation consisting of the verification of age and education and a criminal history check of local, state, and national files;
  - (f) being truthful in providing information to the appointing agency and to the Standards Division for the purpose of obtaining probationary or general certification;
  - (g) not having pending or outstanding felony charges that, if convicted of such charges, would disqualify the applicant from holding such certification, pursuant to North Carolina General Statute 17C-13; and
  - (h) not engage in any conduct that brings into question the truthfulness or credibility of the officer, or involves "moral turpitude." "Moral Turpitude" is conduct that is contrary to justice, honesty, or morality, including conduct as defined in: re Willis, 299 N.C. 1, 215 S.E. 2d 771 appeal dismissed 423 U.S. 976 (1975); in re State v. Harris, 216 N.C. 746, 6 S.E. 2d 854 (1940); in re Legg, 325 N.C. 658, 386 S.E. 2d 174(1989); in re Applicants for License, 143 N.C. 1, 55 S.E. 635 (1906); in re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E. 2d 647 (1983); and later court decisions that cite these cases as authority.
- (4) have been fingerprinted and a search made of local, state, and national files to disclose any criminal record;
- (5) have been examined and certified by a licensed surgeon, physician, physician assistant, or nurse practitioner to meet physical requirements necessary to properly fulfill the officer's particular responsibilities and shall have produced a negative result on a drug screen administered according to the following specifications:
  - (a) the drug screen shall be a urine test consisting of an initial screening test using an immunoassay method and a confirmatory test on an initial positive result using a gas chromatography/mass spectrometry (GC/MS) or other reliable initial and confirmatory tests as may, from time to time, be authorized or mandated by the Department of Health and Human Services for Federal Workplace Drug Testing Programs;
  - (b) a chain of custody shall be maintained on the specimen from collection to the eventual discarding of the specimen;
  - (c) the drug screen shall test for the presence of at least cannabis, cocaine, phencyclidine (PCP), opiates, and amphetamines or their metabolites;
  - (d) the test threshold values meet the requirements established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs, as found in 82 FR 7920 (2017) incorporated by reference, including later amendments and editions (found at no cost at <https://www.federalregister.gov/documents/2017/01/23/2017-00979/mandatory-guidelines-for-federal-workplace-drug-testing-programs>);
  - (e) the test conducted shall be not more than 60 days old, calculated from the time when the laboratory reports the results to the date of employment;
  - (f) the laboratory conducting the test shall be certified for federal workplace drug testing programs, and shall adhere to applicable federal rules, regulations, and guidelines pertaining to the handling, testing, storage, and preservation of samples;
- (6) have been administered a psychological screening examination by a clinical psychologist or psychiatrist licensed to practice in North Carolina or by a clinical psychologist or psychiatrist authorized to practice in accordance with the rules and regulations of the United States Armed Forces within one year prior to employment by the employing

agency to determine the officer's mental and emotional suitability to properly fulfill the responsibilities of the position;

- (7) have been interviewed personally by the Department head or his representative or representatives to determine such things as the applicant's appearance, demeanor, attitude, and ability to communicate;
- (8) notify the Standards Division of all criminal offenses that the officer is arrested for or charged with, pleads no contest to, pleads guilty to or is found guilty of as well as Domestic Violence Orders (50B) that are issued by a judicial official. This shall include all criminal offenses except minor traffic offenses and shall specifically include any offense of Driving Under The Influence (DUI) or Driving While Impaired (DWI). A minor traffic offense is defined, for purposes of this Subparagraph, as an offense for which the maximum punishment allowable by law is 60 days or less. Other offenses under Chapter 20 (Motor Vehicles) of the General Statutes of North Carolina or similar laws of other jurisdictions which shall be reported to the Standards Division expressly include G.S. 20-139 (persons under influence of drugs), G.S. 20-28(b)(driving while license permanently revoked or permanently suspended), and G.S. 20-166 (duty to stop in event of accident). The notifications required under this Subparagraph shall be in writing and shall specify the nature of the offense, the court in which the case was handled, the date of the arrest or criminal charge, the final disposition, and the date thereof. The notifications required under this Subparagraph shall be received by the Standards Division within 30 days of the date of arrest or charge and of case disposition. The requirements of this Subparagraph shall be applicable at all times during which the officer is certified by the Commission and shall also apply to all applicants for certification. Officers required to notify the Standards Division under this Subparagraph shall also make the same notification to their employing or appointing executive officer within 20 days of the date the case was disposed of in court. The executive officer, provided he has knowledge of the officer's arrests or criminal charges and final dispositions, shall also notify the Standards Division of all arrests or criminal charges and final dispositions within 30 days of the date the case was disposed of in court. Receipt by the Standards Division of a single notification, from either the officer or the executive officer, shall be sufficient notice for compliance with this Subparagraph.

*History Note: Authority G.S. 17C-6; 17C-10;  
Eff. January 1, 1981;  
Amended Eff. April 1, 2018; October 1, 2017; September 1, 2001; April 1, 1999; January 1, 1995; November 1, 1993; July 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

**12 NCAC 09B .0203 ADMISSION OF TRAINEES**

(a) The school shall not admit any individual as a trainee in a presentation of the Basic Law Enforcement Training Course who is not a citizen of the United States.

(b) The school shall not admit any individual younger than 20 years of age as a trainee in any non-academic basic criminal justice training course. Individuals under 20 years of age may be granted authorization for early enrollment as trainees in a presentation of the Basic Law Enforcement Training Course with prior written approval from the Director of the Standards Division. The Director shall approve early enrollment if the individual will be 20 years of age prior to the date of the State Comprehensive Examination for the course.

(c) The school shall give priority admission in certified criminal justice training courses to individuals holding full-time employment with criminal justice agencies.

(d) The school shall not admit any individual as a trainee in a presentation of the "Criminal Justice Instructor Training Course" who does not meet the education and experience requirements for instructor certification under Rule .0302 of this Subchapter within 60 days of successful completion of the Instructor Training State Comprehensive Examination.

(e) The school shall not admit an individual, including partial or limited enrollees, as a trainee in a presentation of the Basic Law Enforcement Training Course unless the individual, within one year prior to admission to the Basic Law Enforcement Training Course, scores at or above mastery level on the NROC Edready™ Skills Inventory for English or places into course DRE 098 or above at a North Carolina Community College as a result of taking the Reading and English component of the North Carolina Diagnostic Assessment and Placement test as approved by the State Board of Community Colleges on October 17, 2014, (<http://www.nccommunitycolleges.edu/state-board-community-colleges/meetings/october-17-2014>), or has taken the reading component of a nationally standardized test and has scored at or above the tenth grade level or the equivalent. For the purposes of this Rule:

- (1) Partial or limited enrollee does not include enrollees who hold or have held within 12 months prior to the date of enrollment, general certification pursuant to 12 NCAC 09C .0304.
- (2) A "nationally standardized test" means a test that:
  - (A) reports scores as national percentiles, stanines, or grade equivalents; and
  - (B) compares student test results to a national norm.

(f) The school shall not admit any individual as a trainee in a presentation of the Basic Law Enforcement Training Course unless the individual has provided to the School Director a medical examination report, completed by a physician licensed to practice medicine in North Carolina, a physician's assistant, or a nurse practitioner, to determine the individual's fitness to perform the essential job functions of a criminal justice officer. The Director of the Standards Division shall grant an exception to this standard for a period of time not to exceed the commencement of the physical fitness topical area when failure to receive the medical examination report is not due to neglect on the part of the trainee.

(g) The school shall not admit any individual as a trainee in a presentation of the Basic Law Enforcement Training Course unless the individual is a high school, college, or university graduate or has received a high school equivalency credential recognized by the issuing state. High school diplomas earned through correspondence enrollment in an entity that charges a fee and requires the individual to complete little or no education or coursework to obtain a high diploma shall not be recognized toward the educational requirements.

(h) The school shall not admit any individual trainee in a presentation of the Basic Law Enforcement Training Course unless the individual has provided the School Director one of the following types of record checks in the manner set forth in Paragraph (i) of this Rule:

- (1) a written notification, known as a "Criminal Record Conviction History for B.L.E.T. Enrollment," Form F-25, located at <https://www.ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and-Publications.aspx>, from a department head stating that a criminal record check for local and state records has been conducted and no criminal convictions as listed in Paragraph (j) of this Rule were found that prohibit the individual trainee's enrollment in a presentation of the Basic Law Enforcement Training Course. The hiring agency or the individual trainee shall also provide certified court documentation for each criminal conviction;
- (2) a certified criminal record check for local and state records, and certified court documentation for each criminal conviction. For the purpose of this Rule "Certified court documentation" and "record check" mean a document with either a raised seal or other visible verification that the document is authentic as a copy of the court's official record as authorized by law;
- (3) if the individual trainee has only resided in North Carolina since obtaining the age of majority, provide a fingerprint-based criminal history background check known as a "Right to Review" performed by the North Carolina State Bureau of Investigation. For the purpose of this Rule "Resided in" means any place the trainee has lived, worked, attended school, or participated in an internship. The individual shall also provide certified court documentation for each criminal conviction;
- (4) a fingerprint-based criminal history background check known as a "Right to Review" performed by a federal agency including all locations where the trainee has lived since obtaining the age of majority. The individual shall also provide certified court documentation for each criminal conviction; or

- (5) trainees who have served in the United States Armed Forces, in addition to one of the types of criminal records checks listed in Subparagraphs (1) through (4) of this Paragraph shall provide a copy of their Certificate of Discharge, DD Form 214, that shows their "Character of Service" and "Narrative Reason for Separation." Individuals showing a "Character of Service" as "Bad Conduct" or "Dishonorable" shall provide certified copies of their court-martial proceedings to include the final disposition. Trainees shall also provide documentation to show that they have requested their official military personnel file, which shall be provided upon receipt.
- (6) A trainee who has been naturalized as a United States Citizen is exempt from providing the criminal record checks for locations where they resided outside of the United States prior to naturalization.
- (7) A trainee who has resided outside the United States, other than those described in Subparagraph (5) and (6), who cannot obtain a criminal record check from any location outside the United States shall document the following, to be forwarded to the Standards Division for review on a case by case basis:
- (A) the name of the agencies contacted,
  - (B) the date the agencies were contacted,
  - (C) the contact information for the agencies contacted, and
  - (D) the reason the information cannot be provided.
- (i) Documents obtained in accordance with Paragraph (h) of this Rule shall meet the following requirements:
- (1) any records provided shall fall within the time period beginning when the trainee obtains the age of majority and continuing through the date of application;
  - (2) any records provided shall include all locations where the trainee has resided since obtaining the age of majority; and
  - (3) any records provided shall include all legal names utilized by the trainee since obtaining the age of majority.
- (j) The school shall not admit any individual as a trainee in a presentation of the Basic Law Enforcement Training Course who has been convicted of the following:
- (1) a felony;
  - (2) a crime for which the punishment could have been imprisonment for more than two years;
  - (3) a crime or unlawful act defined as a Class B Misdemeanor within the five year period prior to the date of application for employment, unless the individual intends to seek certification through the North Carolina Sheriffs' Education and Training Standards Commission;
  - (4) four or more crimes or unlawful acts defined as Class B Misdemeanors, regardless of the date of conviction;
  - (5) four or more crimes or unlawful acts defined as Class A Misdemeanors, except the trainee may be enrolled if the last conviction date occurred more than two years prior to the date of enrollment; or
  - (6) a combination of four or more Class A Misdemeanors or Class B Misdemeanors regardless of the date of conviction, unless the individual intends to seek certification through the North Carolina Criminal Justice Education and Training Standards Commission.
- (k) Individuals charged with crimes specified in Paragraph (j) of this Rule may be admitted into the Basic Law Enforcement Training Course if such offenses were dismissed or the person was found not guilty, but completion of the Basic Law Enforcement Training Course does not ensure that certification as a law enforcement officer or justice officer through the North Carolina Criminal Justice Education and Training Standards Commission will be issued. Every individual who is admitted as a trainee in a presentation of the Basic Law Enforcement Training Course shall notify the School Director of all criminal offenses the trainee is arrested for or charged with, pleads no contest to, pleads guilty to, or is found guilty of, and of all Domestic Violence Protective Orders (G.S. 50B) that are issued by a judicial official after a hearing that provides an opportunity for both parties to be present. This includes all criminal offenses except minor traffic offenses and includes any offense of Driving Under the Influence (DUI) or Driving While Impaired (DWI). A "minor traffic offense" is defined, for the purposes of this Paragraph, as an offense where the maximum punishment allowable by law is 60 days or fewer. Other offenses under G.S. 20 (Motor Vehicles) or similar laws of other jurisdictions that shall be reported to the School Director are G.S. 20-138.1 (driving while under the influence), G.S. 20-28 (driving while license permanently revoked or permanently suspended), G.S. 20-30(5)(fictitious name or address in application for license or learner's permit), G.S. 20-37.8 (fraudulent use of a fictitious name for a special identification card), G.S. 20-102.1 (false report of theft or conversion of a motor vehicle), G.S. 20-111(5)(fictitious name or address in application for registration), G.S. 20-130.1 (unlawful use of red or blue lights), G.S. 20-137.2 (operation of vehicles resembling law enforcement vehicles), G.S. 20-141.3 (unlawful racing on streets and highways), G.S. 20-141.5 (speeding to elude arrest), and G.S. 20-166 (duty to stop in event of accident). The notifications required under this Paragraph shall be in writing and specify the nature of the offense, the court where the case was handled, the date of the arrest or criminal charge, the date of issuance of the Domestic Violence Protective Order (50B), and the final disposition and the date thereof. The notifications required under this Paragraph shall be received by the School Director within 30 days of the date the case was disposed of in court. The requirements of this Paragraph are applicable at all times during which the trainee is enrolled in a Basic Law Enforcement Training Course. The requirements of this Paragraph are in addition to the notifications required under 12 NCAC 10B .0301 and 12 NCAC 09B .0101(8).
- (l) The school shall not admit any individual as a trainee in the presentation of the Basic Law Enforcement Training Course unless the individual has provided to the School Director:
- (1) copies of all active Domestic Violence Orders of Protection and Civil Non-Contact Orders issued to the individual;
- or

(2) a signed and dated written statement from the individual certifying that no such active Orders exist related to the individual.

(m) The school shall not admit any individual as a trainee in the presentation of the Basic Law Enforcement Training Course unless the individual has provided to the School Director a copy of their valid driver's license.

*History Note:* Authority G.S. 17C-6; 17C-10; 93B-9;

*Eff. January 1, 1981;*

*Amended Eff. January 1, 2019; April 1, 2018; January 1, 2017; February 1, 2016; November 1, 2015; March 1, 2015; January 1, 2015; June 1, 2012; February 1, 2011; June 1, 2010; December 1, 2004; July 1, 2004; August 1, 2002; August 1, 2000; January 1, 1995; March 1, 1992; July 1, 1989; January 1, 1985;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;*

*Amended Eff. July 1, 2020.*

**12 NCAC 09B .0111 MINIMUM STANDARDS FOR LAW ENFORCEMENT OFFICERS**

In addition to the requirements for criminal justice officers contained in Rule .0101 of this Section, every law enforcement officer employed by an agency in North Carolina shall:

- (1) not have committed or been convicted of:
  - (a) a felony;
  - (b) a crime for which the punishment could have been imprisonment for more than two years;
  - (c) a crime or unlawful act defined as a "Class B misdemeanor" within the five year period prior to the date of application for employment;
  - (d) four or more crimes or unlawful acts defined as "Class B misdemeanors" regardless of the date of conviction;
  - (e) four or more crimes or unlawful acts defined as "Class A misdemeanors" except the applicant may be employed if the last conviction occurred more than two years prior to the date of application for employment; or
  - (f) an offense that, pursuant to 18 USC 922(g)(8), would prohibit the possession of a firearm or ammunition;
- (2) be a high school, college, or university graduate or have passed the General Educational Development Test indicating high school equivalency; and
- (3) satisfactorily complete the employing agency's in-service firearms training program as prescribed in 12 NCAC 09E .0105 and .0106. Such firearms training compliance must have occurred prior to submission of the application for appointment to the Commission and must be completed using the agency-approved service handgun(s) and any other weapon(s) that the applicant has been issued or authorized to use by the agency.

*History Note: Authority G.S. 17C-2; 17C-6; 17C-10;  
Eff. January 1, 1981;  
Amended Eff. November 1, 2015; April 1, 2009; August 1, 1998; December 1, 1987; October 1, 1985; January 1, 1985; January 1, 1983;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

**12 NCAC 09C .0307 AGENCY RETENTION OF RECORDS OF CERTIFICATION**

(a) Each criminal justice agency shall place information with respect to employment, education, retention, and training of its criminal justice officers in the criminal justice officer's personnel file as listed in Subparagraphs (a)(1) and (a)(2) of this Rule. The files shall be available for examination in five days by representatives of the Commission for verifying compliance with these Rules.

- (1) Criminal Justice Officer with probationary certification:
  - (A) the officer's Personal History Statement;
  - (B) the officer's Medical History Statement and Medical Examination Report;
  - (C) documentation of the officer's drug screening results;
  - (D) the Commission's Mandated Background Investigation Form as completed by the agency's investigator;
  - (E) a written summary of the officer's Qualifications Appraisal Interview;
  - (F) documentation of the officer's degrees obtained;
  - (G) documentation of all criminal justice training completed by the officer;
  - (H) the results of the officer's fingerprint record check;
  - (I) a written summary of the officer's psychological examination results;
  - (J) for the law enforcement officer, documentation on a commission-approved form as set forth in 12 NCAC 09E .0103(3) and .0110(5) that the officer has completed the minimum in-service training as required;
  - (K) certified copy of proof of age, citizenship, and educational requirements required in 12 NCAC 09B .0101;
  - (L) copy of Report of Appointment/Application for Certification Form F-5A;
  - (M) oath of office;
  - (N) copy of firearms qualification; and
  - (O) once separated, a copy of the Affidavit of Separation.
- (2) Criminal Justice Officer with general certification:
  - (A) the officer's Medical History Statement and Medical Examination Report;
  - (B) documentation of the officer's drug screening results;
  - (C) documentation of the officer's degrees obtained;
  - (D) documentation of all criminal justice training completed by the officer;
  - (E) the results of the officer's fingerprint record check;
  - (F) for the law enforcement officer, documentation on a commission-approved form as set forth in 12 NCAC 09E .0103(3) and .0110(5) that the officer has completed the minimum in-service training as required;
  - (G) certified copy of proof of age, citizenship, and educational requirements required in 12 NCAC 09B .0101;
  - (H) a copy of the Report of Appointment/Application for Certification Form F-5A;
  - (I) oath of office;
  - (J) copy of firearms qualification; and
  - (K) once separated, a copy of the Affidavit of Separation.

(b) These records shall be maintained in compliance with the North Carolina Department of Natural and Cultural Retention and Disposition Schedule established pursuant to G.S. 121 and G.S. 132.

*History Note:* Authority G.S. 17C-2; 17C-6;  
Eff. January 1, 1981;  
Amended Eff. August 1, 1998; January 1, 1995; July 1, 1990; July 1, 1989; June 1, 1986;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. August 1, 2019.

**12 NCAC 09C .0403      REPORTS OF TRAINING COURSE PRESENTATION AND COMPLETION**

(a) Each presentation of the "Basic Law Enforcement Training" course shall be reported to the Commission as follows:

- (1) After acquiring accreditation for the course and before commencing each delivery of the course, the school director shall notify the Commission of the school's intent to offer the training course by submitting a Form F-10A(LE) Pre-delivery Report of Training Course Presentation; and
- (2) Not more than 10 days after completing delivery of the accredited course, the school director shall notify the Commission regarding the progress and achievement of each enrolled trainee by submitting a Form F-10B(LE) Post-delivery Report of Training Course Presentation.

Forms F-10A(LE) and F-10B(LE) are located on the agency's website at: <http://www.ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and-Publications.aspx>.

Note: Special arrangements shall be made between the Standards Division and the school director for the reporting of law enforcement achievement in a Public Safety Officer course.

(b) Upon completion of a Commission-accredited training course by Juvenile Justice Officer and Chief/Juvenile Court Counselor trainees, the director of the school conducting such course shall notify the Commission of the achievement of trainees by submitting a Report of Training Course Completion (Form F-11). This form is located on the agency's website: [http://www.ncdoj.gov/getattachment/fbf3480c-05a1-4e0c-a81a-04070dea6199/F-11-Form\\_10-2-14.pdf.aspx](http://www.ncdoj.gov/getattachment/fbf3480c-05a1-4e0c-a81a-04070dea6199/F-11-Form_10-2-14.pdf.aspx).

*History Note:*      *Authority G.S. 17C-6; 17C-10;*  
                          *Eff. January 1, 1981;*  
                          *Amended Eff. January 1, 2015; August 1, 2002; August 1, 2000; December 1, 1987;*  
                          *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
                          *2019.*



**SECTION .0300 – MINIMUM STANDARDS FOR EMPLOYMENT AND CERTIFICATION AS A  
JUSTICE OFFICER**

**12 NCAC 10B .0301 MINIMUM STANDARDS FOR JUSTICE OFFICERS**

- (a) Every Justice Officer employed or certified in North Carolina shall:
- (1) be a citizen of the United States;
  - (2) be 21 years of age for all deputies and detention officers and be at least 18 years of age for all telecommunicators;
  - (3) be a high school graduate, or the equivalent (GED);
  - (4) have been fingerprinted by the employing agency;
  - (5) have had a medical examination as required by 12 NCAC 10B .0304;
  - (6) have produced a negative result on a drug screen administered according to the following specifications:
    - (A) the drug screen shall be a urine test consisting of an initial screening test using an immunoassay method and a confirmatory test on an initial positive result using a gas chromatography/mass spectrometry (GC/MS) or other initial and confirmatory tests as may be authorized or mandated by the Department of Health and Human Services for Federal Workplace Drug Testing Programs [<http://workplace.samhsa.gov/>];
    - (B) a chain of custody shall be maintained on the specimen from collection to the eventual discarding of the specimen;
    - (C) the drugs whose use shall be tested for shall include cannabis, cocaine, phencyclidine (PCP), opiates, and amphetamines or their metabolites;
    - (D) the test threshold values established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs are incorporated by reference, including subsequent amendments and editions. Copies of this information may be obtained from the National Institute on Drug Abuse, 5600 Fisher Lane, Rockville, Maryland 20857 [<http://www.drugabuse.gov/>] at no cost;
    - (E) the test results shall be dated no more than 60 days before employment or appointment, whichever is earlier;
    - (F) the laboratory conducting the test shall be certified for federal workplace drug testing programs, and shall adhere to applicable federal rules, regulations, and guidelines pertaining to the handling, testing, storage, and preservation of samples; and
    - (G) each drug test laboratory report shall be reviewed by a medical review officer (MRO), who shall be a licensed physician;
  - (7) make the following notifications:
    - (A) within five business days, notify the Standards Division and the appointing department head in writing of all criminal offenses with which the officer is charged. This shall include all criminal offenses except minor traffic offenses. A minor traffic offense means any offense under G.S. 20 or similar laws of other jurisdictions; except those Chapter 20 offenses defined as either a Class A or B Misdemeanor in 12 NCAC 10B .0103(10). The initial notification required must specify the nature of the offense, the date of offense, and the arresting agency. Within five business days, notify the Standards Division of all Domestic Violence Orders (G.S. 50B) and Civil No Contact Orders (G.S. 50C) that are issued by a judicial official against the justice officer and that provide an opportunity for both parties to be present;
    - (B) within 20 days of the date the case was disposed, notify the appointing department head of the adjudication of these criminal charges, Domestic Violence Orders (G.S. 50B), and Civil No Contact Orders (G.S. 50C). The department head, provided he or she has knowledge of the officer's charges, Domestic Violence Orders (G.S. 50B), and Civil No Contact Orders (G.S. 50C), shall also notify the Division within 30 days of the date the case or order was disposed of in court.
    - (C) within 30 days of the date the case was disposed, notify the Standards Division of the adjudication of these criminal charges, Domestic Violence Orders (G.S. 50B), and Civil No Contact Orders (G.S. 50C);

- (D) the required notifications of adjudication shall specify the nature of the offense, the court in which the case was handled, and the date of disposition and shall include a certified copy of the final disposition from the Clerk of Court in the county of adjudication;
  - (E) receipt by the Standards Division of timely notification of the initial offenses charged and of adjudication of those offenses, from either the officer or the department head, shall be sufficient notice for compliance with this Subparagraph;
  - (8) be of good moral character as defined in: In re Willis, 288 N.C. 1, 215 S.E.2d 771 (1975), appeal dismissed 423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E.2d 854 (1940); In re Legg, 325 N.C. 658, 386 S.E.2d 174 (1989); In re Applicants for License, 143 N.C. 1, 55 S.E. 635 (1906); In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E.2d 647 (1983); and later court decisions that cite these cases as authority;
  - (9) have a background investigation conducted by the employing agency, including a personal interview prior to employment as required by Rules .0305 and .0306 of this Section;
  - (10) not have committed or been convicted of a crime or crimes specified in 12 NCAC 10B .0307.
- (b) The requirements of this Rule shall apply to all applications for certification and shall also apply at all times during which the justice officer is certified by the Commission.

*History Note: Authority G.S. 17E-7;  
Eff. January 1, 1989;  
Amended Eff. January 1, 2018; February 1, 2014; January 1, 2006; January 1, 2005; August 1, 2002; January 1, 1996; January 1, 1994; January 1, 1993; January 1, 1992; July 1, 1990;  
January 1, 1990;  
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Attorney General

**Josh Stein**

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# Criminal Justice Fellows Program



## About the Program

The mission of the North Carolina Criminal Justice Fellows Program is to recruit talented high school senior graduates into the criminal justice profession. Each year this program will fund fellowships for high school senior graduates who have exhibited high academic achievement, a history of service to the school and community, and a desire to serve the state of North Carolina in a field within the criminal justice profession.

The N.C. Criminal Justice Fellows Program will provide forgivable educational loans for high school seniors and graduates who agree to enter a criminal justice profession in North Carolina. This fellowship will fund an Applied Associates Degree in Criminal Justice or Committee approved related field of study, from any North Carolina Community College. Students who receive the educational loan would have 5 years to repay, though it would be forgiven if they enter and remain in a criminal justice profession with North Carolina for four years in an eligible county.

Students who graduate under this program in good standing will be given priority to enter a criminal justice training program for certification in an eligible criminal justice profession within the Community College System.

The number of fellowships awarded annually shall not exceed 100 and the total number of students in the program each year shall not exceed 200.

The student must be a resident of an eligible county at the time of application.

**\*The application process will open November 1, 2019.**

**\*Application process will close on May 31, 2020.**

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## Eligibility

**Eligible County**– is county with a population of less than 75,000 according to the latest federal decennial census.

### Eligibility Requirements:

- Must be a resident of an eligible county at the time of application.



- Must be a high school graduate or high school senior who will graduate by the end of the current academic year.
- Have the intent upon completion of the program to be employed as a criminal justice professional in an eligible county.
- An applicant who has been convicted of any of the crimes listed in the CJFP Handbook will be considered ineligible for the Fellowship.

### [North Carolina 2010 Census by County](#)

### [Eligible Counties Map](#)

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## Forms

- [Application Directions](#)
  - [FP-1 Application](#)
  - [FP-1.2 Reference Form](#)
  - FP-2 Promissory Note
  - FP-3 Action Request
  - FP-4 Transfer Request
  - FP-5 Employment Status
- 

## FAQs

Does the eligible county requirement apply to community colleges located there?

I'm taking a year off after I graduate from high school. Will I be eligible for the program?

How do state agencies fall into the eligible county requirement?

There is a requirement that I must be a full-time student while in the program. What if I don't need the full class credit requirement for the program in order to graduate in two years? For example, if I already earned college credit in high school?

If I fail a class, when I retake it, will the program pay for it?

What does it mean if I'm in default?

What does it mean if I'm in repayment?

What does residency mean?

I would like to take an online class at another community college. Will the fellowship pay for the class at that college?

What is the selection process?

Will the fellowship pay for a bachelor's degree?

What jobs can I go into under the CJFP?

Who can I contact if I have a questions?

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## Contact

### Criminal Justice Fellows Program

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cjfellows@ncdoj.gov

#### Mail Address:

Criminal Justice Fellows Program

PO Box Drawer 149

Raleigh, North Carolina 27602-0149



#### Main Campus

114 West Edenton Street  
Raleigh, NC 27603

p: (919) 716-6400

f: (919) 716-6750

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#### State Crime Laboratory

121 East Tryon Road  
Raleigh, NC 27603

p: (919) 582-8700

f: (919) 662-4475

#### Triad Regional

##### State Crime Laboratory

2306 West Meadowview Road  
Suite 110  
Greensboro, NC 27047

p: (336) 315-4900

f: (336) 315-4950

#### NC Justice Academy

##### Salemburg Campus:

PO Box 99  
Salemburg, NC 28385

p: (910) 525-4151

f: (910) 525-5439

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#### NC Justice Academy

##### Edneyville Campus:

PO Box 600  
Edneyville, NC 28727

p: (828) 685-3600

f: (828) 685-9933

#### Sheriffs' Training & Standards

PO Box 629  
Raleigh, NC 27602

p: (919) 779-8213

f: (919) 662-4515

T: (336) 315-4956

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**Western Regional  
State Crime Laboratory**

300 Saint Pauls Road  
Hendersonville, NC 28792

p: (828) 654-0525

f: (828) 654-9682

**Criminal Justice  
Training & Standards**

PO Drawer 149  
Raleigh, NC 27602

p: (919) 661-5980

f: (919) 779-8210



**CONTACT NCDOJ**

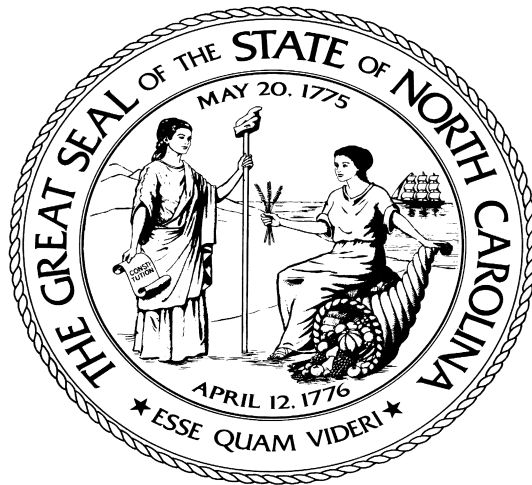
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# CLASS B MISDEMEANOR MANUAL

2016 COMPREHENSIVE EDITION



Revised: May 2016

## **INTRODUCTION**

During the 1993 Session of the General Assembly, our legislature enacted new sentencing laws which changed how offenders are sentenced in North Carolina. The new laws, primarily based on concepts developed by the North Carolina Sentencing and Policy Advisory Commission, created a system of structured sentencing in North Carolina designed to be implemented with a comprehensive community corrections plan. The new laws, which reclassified misdemeanors and certain felonies, replaced the Fair Sentencing Act and apply to crimes committed on or after October 1, 1994.

Since this new manner of sentencing directly impacted the Commission's definitions of "Class A" and "Class B" misdemeanors, modifications to our definitions were needed. Previously, the misdemeanor definitions were based upon the punishment level which the offender could have received. Class A misdemeanors were those for which the maximum punishment is less than six months, while Class B misdemeanors encompass those offenses with terms of imprisonment of more than six months but not more than two years.

To ensure equitable treatment of criminal justice officer applicants and certified officers, the Commission selected a method of evaluating misdemeanor criminal offenses which did not entail review of the punishment levels of each North Carolina offense alone. In essence, the Commission looks at the status of an offense rather than only the maximum possible punishment which could have been imposed. Under the Commission's current rules, those offenses classified as "Class B" misdemeanors will be listed in a manual to be published by the North Carolina Department of Justice and incorporated by reference in its rules. With the exception of most motor vehicle offenses, any misdemeanor not designated as a Class B in this manual will be deemed to be a "Class A" offense.

Several sub-committees of the Commission reviewed each misdemeanor under North Carolina law to determine which misdemeanors should be included. These committees, and subsequently the Commission, adopted a general philosophy to guide them in this selection process. Basically, if a misdemeanor was a general misdemeanor under the old law (maximum punishment of two years) and it was subsequently reclassified as a Class 1 or Class A1 misdemeanor under Structured Sentencing, then it was included as a Class B misdemeanor. Generally, if the legislature decreased the severity of a particular misdemeanor by lowering it from a general misdemeanor to a Class 2 or 3 misdemeanor, then that misdemeanor was designated as a Class A. However, certain offenses which include as elements violence, intimidation, obstruction of justice, or fraud or willful, knowing, intentional violations appear on the Class B list. Commission members deemed these offenses incompatible with the purpose and responsibilities of the justice profession. In essence, based upon its experience and expertise, the Commission included certain offenses which had not previously been classified as Class B's, and downgraded other offenses which the Commission had determined did not rise to the level of a Class B based upon the above criteria.

In conclusion, those misdemeanors specified as Class B misdemeanors are offenses which the Commission views as the most serious and incompatible with membership in the criminal justice officer profession. Those misdemeanors classified as Class A misdemeanors are offenses which, while serious and would be considered by the Commission, do not rise to the level of Class B Misdemeanors.

### **CLASS B MISDEMEANOR DEFINITION**

"Misdemeanor" means those criminal offenses not classified by the North Carolina General Statutes, the United States Code, the Common Law, or the courts as felonies. Misdemeanor offenses are classified by the Commission as follows:

- (a) "Class A Misdemeanor" means an act committed or omitted in violation of any common law, duly enacted ordinance, or criminal statute, of this state which is not classified as a Class B Misdemeanor pursuant to subsection 10(b) of this rule. Class A Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic



code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of not more than six (6) months. Specifically excluded from this grouping of "Class A Misdemeanor" criminal offenses for jurisdictions other than North Carolina, are motor vehicle or traffic offenses designated as misdemeanors under the laws of other jurisdictions, or duly enacted ordinances of an authorized governmental entity with the exception of the offense of impaired driving which is expressly included herein as a Class A Misdemeanor, if the offender could have been sentenced for a term of not more than six (6) months. Also specifically included herein as a Class A Misdemeanor is the offense of impaired driving, if the offender was sentenced under punishment level three [G.S. 20-179(I)], level four [G.S. 20-179(j)], or level five [G.S. 20-179(k)]. Class A Misdemeanor shall also include acts committed or omitted in North Carolina prior to October 1, 1994 in violation of any common law, duly enacted ordinance or criminal statute, of this state for which the maximum punishment allowable for the designated offense included imprisonment for a term of not more than six months;

- (b) "Class B Misdemeanor" means an act committed or omitted in violation of any common law, criminal statute, or criminal traffic code of this state which is classified as a Class B Misdemeanor as set forth in the Class B Misdemeanor manual as published by the North Carolina Department of Justice and shall automatically include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. Class B Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of more than six (6) months but not more than two (2) years. Specifically excluded from this grouping of "Class B Misdemeanor" criminal offenses for jurisdictions other than North Carolina, are motor vehicles or traffic offenses designated as being misdemeanors under the laws of other jurisdictions with the following exceptions. Class B Misdemeanor does expressly include, either first or subsequent offenses of driving while impaired if the maximum allowable punishment is for a term of more than six (6) months but not more than two (2) years, and driving while license permanently revoked or permanently suspended. "Class B Misdemeanor" shall also include acts committed or omitted in North Carolina prior to October 1, 1994 in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of this state for which the maximum punishment allowable for the designated offense included imprisonment for a term of more than six (6) months but not more than two (2) years.

## INSTRUCTIONS

This manual sets out each misdemeanor offense occurring on or after October 1, 1994 which has ever been designated by the Commission to be a Class B Misdemeanor, along with its corresponding General Statute citation.

The Manual lists the offenses in numerical order by Statute Number. It is organized as follows:

- \*The first column will indicate where in the General Statutes the substantive offense is located.
- \*The second column shows the statutory Short Title. In addition, if the punishment for this offense is located in a separate statute, this citation will appear in parenthesis adjacent to the title of the offense. There may also some explanatory notes.
- \* The third column is new and by its insertion has made this edition of the Manual comprehensive. This column lists the dates for which the offenses were/are considered Class B Misdemeanors.
- \* The fourth and final column, entitled Misdemeanor Class, will indicate the offense level under the Structured Sentencing Act. When an article of a particular chapter is designated as the substantive offense, then any criminal violation of a section in that article is included as a Class B Misdemeanor.

Therefore, in order to determine if a particular offense would constitute a Class B Misdemeanor, you should first locate the offense by either statute number or short title, paying attention to any explanatory notes in the second column, and then verify that the date of offense occurred on or between the dates specified in the third column. For example, under 14-69.1, you will find the following:

14-69.1	Making false rpt. Re: destructive device at hospital facility (14-69.1(b); 1st offense) [Section (b) repealed as of 12/1/97]	10/1/94-11/30/97	1
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The parenthetical note indicates that the punishment for this offense is found in N.C.G.S. 14-69.1(b); and that the 1<sup>st</sup> offense would be considered a Class B Misdemeanor. There is also an explanatory note showing that paragraph (b) of this statute was repealed on 12/1/97. Therefore, the third column indicates that this classification of this offense as a Class B Misdemeanor is only valid for offenses occurring between 10/1/94 and 11/30/97. Note if the offense occurred prior to 10/1/94, then you would have to consult the statute in effect at the time of the offense.

**As always, even though an officer or applicant is not convicted of an offense, the Commission retains the authority to investigate and proceed on the “commission of offense.”**

**NORTH CAROLINA  
CLASS B MISDEMEANORS  
COMPREHENSIVE EDITION  
(By Statute Number)**

**NORTH CAROLINA  
CLASS B MISDEMEANORS  
COMPREHENSIVE EDITION  
(By Statute Number)**

<b><u>STATUTE</u></b>	<b><u>SHORT TITLE</u></b>	<b><u>VALID FOR</u></b>	<b><u>MISD. CLASS</u></b>
1-324.2 to 1-324.4	Failure to give info about corp. (1-324.5)	10/1/94-Present	1
1-531	Refusal to surrender official papers	10/1/94-Present	1
1-596	Charges for legal advertising	10/1/94-Present	1
5A-11	Criminal Contempt	1/1/06-Present	
CH 7A Art. 48	Non-testimonial identification procedures (7A-602) [Repealed]	10/1/94-7/1/99	
7B-2109	Non-testimonial identification procedures	11/17/99-5/31/02	1
CH 7B Art. 21	Non-testimonial identification procedures; 7B-2109	11/17/99-5/31/02	1
10A-12(a)	Notarial acts [Repealed]	10/1/94-12/1/05	1
10A-12(d)	Notarial acts [Repealed]	10/1/94-12/1/05	1
10B-60	Notary acts	5/20/16-Present	1
14-2.5	Punishment for attempt (offenses that are Class 1 misd)	11/17/99-Present	1
14-2.6	Punishment for solicitation (offenses that are Class 1 misd)	11/17/99-Present	1
14-3	Punishment for misdemeanor	11/17/99-Present	1
14-7	Accessories after the fact (offenses that are Class 1 misd)	11/17/99-Present	1
14-10	Secret political & military organizations	10/1/94-Present	1
CH 14 Art. 4	Punishment for subversive activities (14-12)	10/1/94-Present	1
CH 14 Art. 4A	Prohibited secret societies & activities (14-12.15)	10/1/94-Present	1
14-15	Issuing substitutes for money w/o authority	10/1/94-Present	3
14-16	Receive or passing unauthorized substitutes for money	10/1/94-Present	3
14-23.6	Battery on Unborn Child	5/20/16- Present	A1 (m)
14-27.5A	Sexual battery [Recodified at 14-27.33 as of 12/1/15]	1/1/06-11/30/15	A1

<u>STATUTE</u>	<u>SHORT TITLE</u>	<u>VALID FOR</u>	<u>MISD. CLASS</u>
14-27.7	Intercourse and sexual offenses with certain victims (If definition is school personnel other than a teacher, school administrator, student teacher or coach, otherwise felony) (All offenses felonies as of 12/1/15)	11/17/99-11/30/15	A1
14-27.33	Sexual Battery (formerly 14-27.5A)	12/1/15-Present	A1
14-32.1(f)	Assault on handicapped persons	10/1/94-Present	A1
14-32.2(b)(4)	Patient abuse and neglect [felony as of 12/1/15]	5/31/02-11/30/07	A1
14-32.3(c)	Exploitation by caretaker of disabled/elder adult in domestic setting; resulting in loss of <\$1000. [Repealed]	11/17/99-11/30/05	1
14-33(b)	Misdemeanor Assaults	10/1/94-Present	1
14-33(c)	Assault, battery with circumstances	2/20/96-Present	A1
14-33(d)	Assault, battery with deadly weapon or serious injury ((c)(1)) to a person whom the attacker has a personal relationship and in the presence of a minor	1/1/06-Present	A1
14-34	Assault by pointing a gun	10/1/94-Present	A1
14-34.3	Teflon-coated bullets (14-34.3(c))	10/1/94-Present	1
14-34.6(a)	Assault on Emergency Personnel [felony as of 12/1/12]	2/20/96-11/30/11	A1
14-35	Hazing	10/1/94-Present	2
14-36	Expulsion from school; faculty/admin.; hazing [Repealed]	10/1/94-11/30/03	1
14-43.2	Involuntary servitude [Recodified at 14-43.12(e) as of 12/1/06]	10/1/94-11/30/06	1
14-43.12(e)	Involuntary servitude (14-43.12(e))	12/1/06-Present	1
14-46	Aiding, counseling, or abetting concealing birth of child	10/1/94-Present	1
14-54	B or E into buildings generally (14-54(b))	10/1/94-Present	1
14-56.1	B or E into coin/currency operated machines (1st offense)	10/1/94-Present	1
14-56.2	Damaging/destroying coin/currency machines	10/1/94-Present	1
14-56.3	B or E into currency paper machines (1st offense)	10/1/94-Present	1
14-56.4	Possession of motor vehicle master key or other motor vehicle lock picking device	1/1/06-Present	1

**STATUTE****SHORT TITLE****VALID FOR****MISD.  
CLASS**

14-68	Failure of owner to comply w/orders of public authorities	10/1/94-Present	3
14-69	Failure of LEO to investigate incendiary fire	10/1/94-Present	3
14-69.1	Making false rpt. Re: destructive device (14-69.1(a)) [Section (a) became a felony as of 12/1/97]	10/1/94-11/30/97	1
14-69.1	Making false rpt. Re: destructive device at hospital facility (14-69.1(b); 1st offense) [Section (b) repealed 12/1/97]	10/1/94-11/30/97	1
14-69.2	Hoax by use of false bomb or other device (14-69.2(a)) [felony as of 12/1/97]	10/1/94-11/30/97	1
14-69.2	Hoax by use of false bomb or other device at hospital facilities (1st offense 14-69.2(b)) [Repealed (b) 12/1/97]	10/1/94-11/30/97	1
14-71	Receiving Stolen Goods	11/28/06-Present	1
14-71.1	Possession of Stolen Goods	11/28/06-Present	1
14-72	Larceny of prop./rec'g. stolen goods etc.; < \$1000 (14-72(a))	10/1/94-Present	1
14-72.1	Concealment of merchandise (14-72.1(e); 3rd offense)	10/1/94-Present	1
14-72.2	Unauthorized use of motor-propelled conveyance (14-72.2(b))	10/1/94-Present	1
14-72.5	Larceny of motor fuel less than \$1000	1/1/06-Present	1
14-76	Larceny, mutilation, or destruction of public records/papers	10/1/94-Present	1
14-76.1	Mutilation/defacement of public records in state archives	10/1/94-Present	1
14-77	Larceny/concealment/destruction of wills	10/1/94-Present	1
14-79.2	Larceny kitchen grease	5/20/16-Present	1
14-86.2	Larceny, destruction, defacement, or vandalism or portable toilets or pumper trucks	3/1/11-Present	1
14-100.1	Possession or manufacture of certain fraudulent forms of identification	1/1/06-Present	1
14-102	Obtaining property by false representation of pedigree of animals	1/1/06-Present	2

**STATUTE****SHORT TITLE****VALID FOR****MISD.  
CLASS**

14-104	Obtaining advances under promise to work and pay for the same	1/1/06-Present	2
14-105	Obtaining advances under written promise to pay therefor out of designated property	1/1/06-Present	2
14-106	Obtaining prop. in return for worthless check	10/1/94-Present	2
14-107	Worthless check, < \$100 (4th or subsequent; non-existent and closed acct. (14-107(d)(1), (2), (3)& (4))[Section (d)(2) repealed eff. 12/1/99]	10/1/94-5/31/02	1
14-107	Worthless check, (4th or subsequent; non-existent and closed acct. (14-107(d)(1), (3)&(4))	5/31/02-Present	1
14-109	Manufacturing, sale, or gift of devices for cheating slot machines, etc.	1/1/06-Present	2
14-110	Defrauding innkeeper or campground worker	1/1/06-Present	2
14-111.4	Misuse of 911 system	3/1/11-Present	3
14-112	Obtaining merchandise on approval	10/1/94-Present	2
14-113	Obtaining money by false rep. of physical defect	10/1/94-Present	2
CH 14 Art. 19A	False/fraudulent use of credit device (14-113.6)	10/1/94-Present	2
CH 14 Art. 19B	Financial transaction card crime (14-113.17(a))	10/1/94-Present	2
14-114(a)	Fraudulent disposal of prop./security interest	10/1/94-Present	2
14-115	Secreting property to hinder lien	10/1/94-Present	2
14-117	Fraudulent and deceptive advertising	10/1/94-Present	2
14-118	Blackmailing	10/1/94-Present	1
14-118.1	Simulation of court process [felony as of 12/1/12]	10/1/94-11/30/12	2
14-118.2	Obtaining academic credit by fraudulent means (14-118.2(b))	10/1/94-Present	2
14-122.1	Falsifying documents issued by a school (14-122.1(c))	10/1/94-Present	1
14-127	Willful and wanton injury to real property	10/1/94-Present	1
14-127.1	Graffiti vandalism	5/20/16-Present	1
14-128	Injury to trees, crops, lands of another	11/17/99-Present	1
14-130	Trespass on public lands	10/1/94-Present	1
14-132.2	Willfully trespassing upon, damaging, or impeding the progress of a public school bus	10/1/94-Present	1

**STATUTE****SHORT TITLE****VALID FOR****MISD.  
CLASS**

14-134.3	Domestic criminal trespass	1/1/06-Present	1
14-135	Cutting, injuring, or removing another's timber	10/1/94-Present	1
14-136	Setting fire to grass & brushlands & woodlands (2nd offense)	10/1/94-Present	1
14-137	Willfully or negligently setting fire to woods and fields	10/1/94-Present	2
14-141	Burning or otherwise destroying crops in the field; ≤ \$2,000	10/1/94-Present	1
14-142	Injuries to dams and water channels of mills and factories	1/1/06-Present	2
14-144	Injuries to houses, churches, fences, and walls	1/1/06-Present	2
14-146	Injuring bridges	10/1/94-Present	1
14-147	Removing, altering or defacing landmarks	10/1/94-Present	2
14-148	Defacing or desecrating grave sites (14-148(c))	10/1/94-Present	1
14-151	Interfering w/gas, electric, & steam appliances	10/1/94-Present	2
14-151.1	Interfering w/electric, gas, or water meters (14-151.1(c)) [Repealed]	10/1/94-11/30/13	1
14-153	Tampering with engines and boilers	10/1/94-Present	2
14-154	Injuring wires and other fixtures of utilities [felony as of 12/1/07]	10/1/94-11/30/07	1
14-156	Injuring fixtures and other property of electric-power companies	10/1/94-Present	2
14-159.2	Interference with animal research (14-159.2(b))	10/1/94-Present	1
14-159.4	Injuring property to obtain nonferrous metals	5/20/16-Present	1
14-159.6(b)	Raking or removing pine straw on posted property	11/17/99-Present	1
14-160	Willful and wanton injury to personal property ≥ \$200.00 (14-160(b))	10/1/94-Present	1
14-160.1	Alteration/destruction/removal of identification marks (14-160.1(c))	10/1/94-Present	1
14-163.1	Assaulting a law enforcement agency animal or an assistance animal [Eff. 12/1/95 became a felony]	10/1/94-11/30/95	1
14-163.1(c)	Know or has reason to know animal is law-enforcement agency animal and causes or attempts harm	1/1/06-Present	1



**STATUTE****SHORT TITLE****VALID FOR****MISD.  
CLASS**

14-163.1(d)	Know or has reason to know animal is law enforcement agency animal and taunts, harasses, delays, obstructs, or attempts to delay or obstruct	1/1/06-Present	2
14-168.1	Conversion by bailee, lessee, tenant or attorney-in-fact (14-168.1) (Misd. ≤\$400.00; Felony >\$400.00)	10/1/94-Present	1
CH 14 Art. 24	Vehicles/draft animals; protection of bailor; violations (14-169)	10/1/94-Present	1
14-179	Incest between uncle and niece and nephew and aunt (upgraded to felony 14-178)	10/1/94-12/01/02 (repealed)	1
14-190.4	Coercing acceptance of obscene articles	10/1/94-Present	1
14-190.5	Preparation of obscene photographs	10/1/94-Present	1
14-190.5A	Revenge post 14-190.5A(c)(2)	5/20/16-Present	1
14-190.9	Indecent Exposure	11/17/99-Present	2
14-190.14	Displaying material harmful to minors (14-190.14(b))	10/1/94-Present	2
14-190.15	Disseminating harmful material to minors (14-190.15(d))	10/1/94-Present	1
14-196	Profane, indecent or threatening language over telephone; annoying or harassing by repeated telephoning (14-196(c))	10/1/94-Present	2
14-196.3	Prohibit Cyberstalking/Tracking	5/31/02-Present	2
14-202	Secretly peeping into room occupied by female	10/1/94-Present	1
14-202.2	Indecent liberties between children	2/20/96-Present	1
14-202.4	Taking indecent liberties with a student (If definition is school personnel other than teacher, school administrator, student teacher or coach, otherwise felony) [felony as of 12/1/15]	2/20/96-11/30/15	A1
14-204	Prostitution	10/1/94-Present	1
14-204.1	Loitering for prostitution (14-204.1(b)) [Repealed]	10/1/94-9/30/13	1
14-205.1	Solicitation of prostitution	5/20/16-Present	1
14-205.2	Patronizing a prostitute	5/20/16-Present	A1
14-223	Resisting officers	10/1/94-Present	2
14-225	False, etc., reports to law enforcement agencies or officers	10/1/94-Present	2

**STATUTE****SHORT TITLE****VALID FOR****MISD.  
CLASS**

14-225.1	Picketing or parading	10/1/94-Present	1
14-226.3	Interference with electronic monitoring devices [Class 1 for violation by person required to wear the device/Class 2 for violation by any other person]	3/1/11-Present	1/2
14-227.1	Secret listening to conference between prisoner and his attorney (14-227.3)	1/1/06-Present	2
14.227.2	Secret listening to deliberations of grand jury petit jury (14-227.3)	1/1/06-Present	2
14-230	Willfully failing to discharge duties	10/1/94-Present	1
14-231	Failing to make reports and discharge other duties	10/1/94-Present	1
14-232	Swearing falsely to official records	10/1/94-Present	1
14-234	Director of public trust contracting for his own benefit (14-234(e))	10/1/94-Present	1
14-234.1	Misuse of confidential information (14-234.1(b))	10/1/94-Present	1
14-236	Agent for those furnishing supplies for institutions (see 14-234)	10/1/94-7/1/02	1
14-237	Buying school supplies from interested officer (see 14-234)	10/1/94-7/1/02	1
14-239	Allowing prisoners to escape punishment	10/1/94-Present	1
14-241	Disposing of public documents or refusing to deliver them	10/1/94-Present	1
14-242	Failing to return process or making false return	10/1/94-Present	1
14-243	Failing to surrender tax list for inspection and correction	10/1/94-Present	1
14-244	Failing to file report of fines or penalties	10/1/94-Present	1
14-246	Ex-magistrate to turn over books, papers and money	10/1/94-Present	1
14-255	Escape of working prisoners from custody (Eff. 12/1/97 raised from a Class 3 to a Class 1 Misd.)	10/1/94-Present	1
14-256	Prison breach and escape [felony as of 12/1/13]	10/1/94-11/30/13	1
14-258.1(b)	Furnishing certain contraband to inmates	10/1/94-2/28/11	1
14-258.1(c) and (e)	Furnishing tobacco products on state correctional facilities premises (mobile phone now felony)	3/1/11-Present	1
14-259	Harboring or aiding certain persons	10/1/94-Present	1

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14-267	Harboring fugitives (Can also be charged as a Felony)	1/1/06-Present	1
CH 14 Art. 34	Persuading inmates to escape; harboring fugitives	10/1/94-Present	A1
14-269.2	Weapons on campus or other educational property (14-269.2(d), (e) & (f))	10/1/94-Present	1
14-269.3(a)	Weapons where alcoholic beverages are sold and consumed	10/1/94-Present	1
14-269.4	Weapons on state property and in courthouses	10/1/94-Present	1
14-269.6	Possession and sale of spring-loaded projectile knives prohibited (14-269.6(b))	10/1/94-Present	1
14-269.7	Prohibition of handguns for minors	3/30/16-Present	1
14-277	Impersonation of a law-enforcement or other public officer verbally, displaying a badge/insignia, or operating a red light (14-277 (d1)& (e))	10/1/94-Present	1
14-277.2(a)	Weapons at parades, etc., prohibited	10/1/94-Present	1
14-277.3	Stalking (14-277.3(b)) [Recodified as 14-277.3A]	10/1/94-11/30/08	1 or A1
14-277.3A	Stalking [formerly 14-277.3]	12/1/08-Present	A1
14-277.4(a) or (b)	Obstruction of health care facility (2nd offense w/n 3 years of 1st)	10/1/94-Present	1
14-278	Unlawful injury to property of railroads(14-279)	10/1/94-Present	2
14-279.1	Unlawful impairment of operation of railroads	10/1/94-Present	2
14-283	Exploding dynamite cartridges and bombs	10/1/94-Present	1
14-284	Keeping for sale or selling explosives without a license	10/1/94-Present	1
14-286	Giving false fire alarms; molesting fire-alarm, fire-detection or fire-extinguishing system	1/1/06-Present	2
14-286.2	Interfering with emergency communication; serious property or bodily injury as result (14-286.2(a)(1))	10/1/94-11/30/01 Class 1 12/1/01-Present	A1
14-288	Unlawful to pollute any bottles used for beverages	10/1/94-1/1/06	3
14-288.4(a)(8)	Disorderly Conduct at military funeral or memorial service [first offense]	3/1/11-Present	1
14-288.5	Failure to disperse when commanded a misdemeanor; prima facie evidence	1/1/06-Present	2

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14-288.20A	Violation of emergency prohibitions	5/20/16-Present	2
CH 14 Art. 36A	Riot (14-288.2(b))	10/1/94-Present	1
CH 14 Art. 36A	Inciting to riot (14-288.2(d))	10/1/94-Present	1
CH 14 Art. 36A	Looting; trespassing during emergency (14-288.6(a))	10/1/94-Present	1
CH 14 Art. 36A	Transporting weapon or substance during emergency (14-288.7(c)) [Repealed]	10/1/94-10/1/12	1
CH 14 Art. 36A	Assault on emergency personnel; punishments (14-288.9(c)) [felony as of 12/1/11]	10/1/94-11/30/11	1
14-289	Advertising lotteries	10/1/94-Present	2
14-291	Selling lottery tickets and acting as agent for lotteries	10/1/94-Present	2
14-291.1	Selling "numbers" tickets	10/1/94-Present	2
14-291.2(a)	Pyramid and chain schemes, participates or promotes	10/1/94-Present	2
14-292	Gambling	10/1/94-Present	2
14-293	Allowing gambling in houses of public entertainment	10/1/94-Present	2
14-294	Gambling with faro banks and tables	10/1/94-Present	2
14-295	Keeping gaming devices	10/1/94-Present	2
14-297	Allowing gaming devices	10/1/94-Present	2
14-300	Destruction of gaming devices	10/1/94-Present	2
14-301 to 14-302	Slot machines, vending machines and other gambling devices (14-303)	10/1/94-Present	2
14-304 to 14-308	Manufacture and sale of slot machines and gaming devices (14-309)	10/1/94-9/31/00 Class 2 10/1/00-Present	1
14-306.1	Video Poker Machines Illegal (14-309)	5/31/02-6/30/07	1
14-306.1A	Types of machines and devices prohibited by law; penalties (14-309)	3/1/11-Present	1
14-306.3	Certain game promotions unlawful (14-309)	3/1/11-Present	1
14-309.5(b)	Bingo	10/1/94-Present	2
14-309.11	Accounting and use of proceeds (14-309.11(c))	10/1/94-Present	2
14-309.14(a)	Beach bingo (prize greater than \$10.00, but less than \$50.00)	10/1/94-2/20/96	2

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14-309.14(1)	Beach bingo	2/20/96-Present	2
14-309.15(a)	Raffles	10/1/94-Present	2
14-309.20	Greyhound Racing	11/17/99-Present	1
14-315(a)	Selling or giving weapons to minors	10/1/94-Present	1
14-315.1(a)	Storage of firearms to protect minors	10/1/94-2/20/96	1
14-315.1	Storage of firearms to protect minors	2/20/96-Present	1
14-315.2	Retail warning upon sale or transfer of firearms to protect minor	11/17/99-Present	1
14-316	Permitting young children to use firearm	5/20/16-Present	2
14-316.1	Contributing to delinquency	10/1/94-Present	1
14-318	Exposing children to fire	10/1/94-Present	1
14-318.1	Discarding or abandoning iceboxes	10/1/94-Present	1
14-318.2	Child abuse	10/1/94-Present	Al
14-318.5(c)	Not reporting disappearance of a child	5/20/16-Present	1
14-321.1	Baby sitting services by registered sex offender	1/1/06-Present	1
14-322	Abandonment and failure to support spouse and children (2nd offense; 14-322(b)&(f))	10/1/94-Present	1
14-326.1	Parents; failure to support (2nd offense)	10/1/94-Present	1
14-329(c)	Poisonous alcoholic beverages; other than personal use	10/1/94-Present	2
14-329(d)	Poisonous alcoholic beverages; illicit; for use as a beverage	10/1/94-Present	1
14-342	Selling or offering to sell meat of diseased animals	10/1/94-Present	1
14-360	Cruelty to animals	10/1/94-Present	1
14-361	Instigating or promoting cruelty to animals	10/1/94-Present	1
14-362	Cock Fighting (Reclassified as a Felony as of 12/01/2005)	11/17/99-12/1/05	2
14-362.1	Animal fights, other than cock fights, and animal baiting (14-362.1(a))	10/1/94-Present	2
14-362.1	Animal fights, other than cock fights, and animal baiting; own, possess or train an animal for (14-362-1(b))	10/1/94-Present	2

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14-362.3	Restraining dogs in a cruel manner	1/1/06-Present	1
14-363	Conveying animals in a cruel manner	10/1/94-Present	1
14-370	Obtaining/divulging knowledge of telephonic messages	10/1/94-Present	2
14-371	Violating privacy of telegraphic messages	10/1/94-Present	2
14-372	Unauthorized opening of letters and telegrams	10/1/94-Present	2
14-391	Usurious loans on household property/assignment of wages	10/1/94-Present	1
14-394	Anonymous or threatening letters, mailing or transmitting	10/1/94-Present	1
14-398	Theft or destruction of public library property	10/1/94-Present	1
14-401	Putting poisonous food in public places	10/1/94-Present	1
14-401.1	Misdemeanor to tamper with examination questions	10/1/94-Present	2
14-401.4	Identifying marks on machines and apparatus (14-401.4(d))	10/1/94-Present	1
14-401.8	Party telephone line in emergency [Repealed]	10/1/94-10/22/15	1
14-401.12	Soliciting charitable contributions by telephone	10/1/94-Present	1
14-401.14	Ethnic intimidation; teaching any technique to be used for (14-401.14(a) and (b))	2/20/96-Present	1
14-401.14(a)	Ethnic intimidation; teaching any technique to be used for (14-401.14(b))	10/1/94-2/20/96	1
14-401.15	Telephone Sales Recovery Services (Engaging In)	5/31/02-Present	1
14-401.18	Sale of certain packages of cigarettes prohibited	1/1/06-Present	A1
14-401.18A	Sale of E-Liquid Containers	5/20/16-Present	A1
14-401.20	Defrauding drug and alcohol screening test	1/1/06-Present	1
14-401.21	Practicing "rebirthing technique"	1/1/06-Present	A1
14-401.22	Aid/Abet Unlawful Concealment of Death (Unlawful Concealment of Death is a felony)	1/1/06-Present	A1
14-410	Manufacture, sale, and use of pyrotechnics; sale to persons under the age of 16	1/1/06-Present	2
14-416	Mishandling of certain reptiles declared public nuisance and criminal offense	3/1/11-Present	A1

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14-433	Recording of live performances or sounds and distribution, etc. of such recordings	1/1/06-Present	1
14-433, 434	Unauthorized sound and video recordings (14-437)	10/1/94-Present	1
14-440.1	Unauthorized sound and video recordings in a motion picture theater (Can be a felony)	1/1/06-Present	1
14-454(b)	Accessing computers	10/1/94-11/17/99	1
14-454(a) or (b)	Accessing computers [NOTE: (a) prior to 7/16/94 was a felony regardless of damage amount and now specified it is a felony only if damages >\$1000.00.]	11/17/99-Present	1
14-454.1	Accessing government computers	1/1/06-Present	1
14-455	Damaging computers and related materials	10/1/94-Present	1
14-456	Denial of computers services to an authorized user	10/1/94-Present	1
14-458	Computer trespass (Damage < \$2500)	11/17/99-Present	1
14-458.1	Cyber-Bullying; penalty [Class 1 if defendant is over 18/Class 2 if defendant is under 18]	3/1/11-Present	1/2
14-458.2	Cyber-Bullying of school employee by student	5/20/16-Present	2
14-461	Unauthorized manufacture or sale of switch-lock keys	11/17/99-Present	1
15A-261	Pen registers; trap and trace devices (15A-261(c))	10/1/94-Present	1
15A-266.11	Unauthorized use of DNA databank; wilful disclosure (15A-266.11(a) and (b)) [felony as of 2/1/11]	10/1/94-1/31/11	1
15A-287	Interception and disclosure of wire etc. communications (15A-287(f))	2/20/96-Present	1
15A-542	False qualification by surety	1/1/06-Present	1
15B-7(b)	Filing false or fraudulent application for compensation award	10/1/94-Present	1
15C-9	Disclosure of address prohibited (Attorney General Address Confidentiality Program)	1/1/06-Present	1
16-4	Entering into or aiding contract for "futures" misdemeanor	10/1/94-Present	1
16-5	Opening office for sales of 'futures' misdemeanor	10/1/94-Present	1
17-25	Recommittal after discharge penalty	10/1/94-Present	1
17-27	Penalty for false return to a writ of habeas corpus	10/1/94-Present	1

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17-28	Penalty for concealing party entitled to writ	10/1/94-Present	1
17D-4	Powers of Justice Academy; violations (17D-4(f))	10/1/94-1/1/06	3
18B-102	Manufacture, sale, etc, forbidden except as authorized (18B-102(b))	10/1/94-Present	1
18B-107(b)	Sale in air carrier passenger rooms (18B-102(b))	10/1/94-Present	1
18B-109	Shipment into State (18B-102(b))	10/1/94-Present	1
18B-111	Possession of non-tax paid alcohol (18B-102(b))	10/1/94-Present	1
18B-300(b)	Consumption off-premises (18B-102(b))	10/1/94-2/28/11	1
18B-301(f)(1)(a)	Consumption at ABC store (18B-102(b))	10/1/94-2/28/11	1
18B-301(f)(1)(b)	Consumption on property used by local board (18B-102(b))	10/1/94-2/28/11	1
18B-301(f)(1)(c)	Consumption on street or sidewalk (18B-102(b))	10/1/94-2/28/11	1
18B-301(f)(2)	Public display at athletic contest (18B-102(b))	10/1/94-2/28/11	1
18B-301(f)(3)	Possession/consumption on unauthorized premises (18B-102(b))	10/1/94-2/28/11	1
18B-301(f)(4)	Possession/consumption after prohibited (18B-102(b))	10/1/94-2/28/11	1
18B-301(f)(5)	Possession fortified wine/spirituous liquor (18B-102(b))	10/1/94-2/28/11	1
18B-301(f)(6)	Possession by permittee (18B-102(b))	10/1/94-2/28/11	1
18B-301(f)(7)	Possession/consumption on school property (18B-102(b))	10/1/94-2/28/11	1
18B-302(a)(1)	Sale of malt beverages or unfortified wine <21 yr. old (18B-102(b))	10/1/94-Present	1
18B-302(a)(2)	Sale of fortified wine, spirituous liquor or mixed beverages <21 yr. old (18-102(b))	10/1/94-Present	1
18B-302(a1)	Give alcohol to person under 21	3/1/11-Present	1
18B-302(b)(2)	Purchase or possession of fortified wine, spirituous liquor or mixed beverages to < 21 yr. old (18B-102(b))	10/1/94-2/28/11	1
18B-302(c)(2)	Aiding and abetting by person over lawful age (18B-302(c)(2))	10/1/94-Present	1
18B-302(e)	Fraudulent use of identification (18B-102(b))	10/1/94-Present	1
18B-302(f)	Allowing use of identification (18B-102(b))	10/1/94-Present	1



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18B-303(b)	Purchase in excess of authorized amount (18B-102(b))	10/1/94-Present	1
18B-304(a)	Sale or possession for sale without permit (18B-102(b))	10/1/94-Present	1
18B-305(a)	Sale to intoxicated person (18B-102(b))	10/1/94-Present	1
18B-305(b)	Purchase for someone refused the right to purchase (18B-102(b))	10/1/94-Present	1
18B-307(a)(1)	Selling/possessing unauthorized manufacturing equipment (18B-102(b))	10/1/94-Present	1
18B-307(a)(2)	Allowing property to be used by another for manufacture (18B-102(b))	10/1/94-Present	1
18B-307(b)	Manufacture without permit and licenses (1st offense) (18B-102(b))	10/1/94-Present	1
18B-308	Sale and consumption at bingo games (18B-102(b))	10/1/94-2/28/11	1
18B-400	Transportation of unfortified wine, fortified wine or spirituous liquor without permit (18B-102(b))	10/1/94-Present	1
18B-401(b)	Transporting in for-hire vehicle >8 liters (18B-102(b))	10/1/94-Present	1
18B-402	Bringing >4 liters into State (18B-102(b))	10/1/94-Present	1
18B-403(a)(1)	Transporting >100 liters unfortified wine with permit (18B-102(b))	10/1/94-Present	1
18B-403(a)(2)	Transporting >40 liters fortified wine/spirituous liquor with permit (18B-102(b))	10/1/94-Present	1
18B-403(a)(3)	Transporting more fortified wine/spirituous liquor than allowed by permit (18B-102(b))	10/1/94-Present	1
18B-403(e)	Failure to display permit (18B-102(b))	10/1/94-Present	1
18B-406	Transporting unauthorized amounts (18B-102(b))	10/1/94-Present	1
18B-502(b)	Inspection of licensed premises (obstruction of inspection)	1/1/06-Present	2
18B-802(a)	Operating ABC store between 9 PM and 9 AM (18B-102(b))	10/1/94-Present	1
18B-802(b)	Operating ABC store on Sundays (18B-102(b))	10/1/94-Present	1
18B-902(c)	False statements in application for ABC permit (18B-102(b))	10/1/94-Present	1
18B-1004(a)	Selling alcoholic beverages between 2 AM and 7 AM; Consuming alcoholic beverages between 2:30 AM and 7 AM on licensed premises (18B-102(b))	10/1/94-Present	1

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18B-1004(c)	Selling or consuming alcoholic beverages before Sunday noon (18B-102(b))	10/1/94-Present	1
18B-1005(a)	Allowing prohibited conduct on licensed premises (18B-102(b)) [Sections (4)-(6) repealed as of 8/1/03]	10/1/94-Present	1
18B-1005(b)	Failure to provide supervision (18B-102(b))	10/1/94-Present	1
18B-1005.1	Sexually explicit conduct on licensed premises	1/1/06-Present	1
18B-1006(d)	Possession or consumption of unauthorized fortified wine or spirituous liquor on licensed premises (18B-102(b))	10/1/94-2/28/11	1
18B-1006(e)	Producing or possessing facsimile permit (18B-102(b))	10/1/94-Present	1
18B-1006(f)	Failure to surrender permit (18B-102(b))	10/1/94-Present	1
18B-1007(b)(1)	Storing spirituous liquor with other liquor for resale (18B-102(b))	10/1/94-Present	1
18B-1007(b)(2)	Refilling spirituous liquor containers (18B-102(b))	10/1/94-Present	1
18B-1007(b)(3)	Transferring mixed beverages tax stamp (18B-102(b))	10/1/94-Present	1
18B-1007(b)(4)	Possessing spirituous liquor without stamp (18B-102(b))	2/20/96-Present	1
18B-1116(a)(1)	Requiring retailer to purchase to the exclusion of other vendors (18B-102(b))	10/1/94-Present	1
18B-1116(a)(2)	Financial interest in retailer's business (18B-102(b))	10/1/94-Present	1
18B-1116(a)(3)	Lending or giving money, services, etc. to retailer (18B-102(b))	10/1/94-Present	1
18B-1303	Providing malt beverages to wholesaler without notification from supplier (18B-102(b))	10/1/94-Present	1
18B-1304	Coercion of wholesalers (18B-102(b))	10/1/94-Present	1
CH 19A Art. 2	Protection of black bears (19A-13)	10/1/94-Present	2
19A-48	Interfere with animal cruelty officer investigator (19A-48)	2/20/96-Present	1
20-28	Driving while license permanently revoked (20-28(b))[(b) Repealed]	10/1/94 -11/12/96	1
20-28(d)(3)	Driving while license permanently revoked (3 <sup>rd</sup> offense)	5/31/02-Present	1

<u>STATUTE</u>	<u>SHORT TITLE</u>	<u>VALID FOR</u>	<u>MISD. CLASS</u>
20-30(5)	Fictitious name or address in any application for a driver's license or learner's permit (20-35)	5/31/02-Present	2
20-37.7(e)	Special identification card (fraud or misrepresentation in application of or use thereof)	1/1/06-Present	2
20-37.8	Fraudulent use of a fictitious name for a special identification card (20-37.8(b)) [felony as of 12/1/99]	10/1/94-12/1/99	2
20-37.8	Fraudulent use of a fictitious name for a special identification card (20-37.8(c))	5/31/02-Present	2
20-63(g)	Registration of plates furnished by the Division, etc. (alteration, disguise, or concealment of numbers)	1/1/06-Present	2
20-71.4	Failure to disclose damage to a vehicle	1/1/06-Present	2
20-102.1	False report of theft or conversion of a motor vehicle	10/1/94-Present	2
20-111(5)	Fictitious name or address in application for registration	10/1/94-Present	1
20-130.1	Use of red or blue lights on vehicles prohibited (20-130.1(e))	10/1/94-Present	1
20-136.2	Air bag installation	1/1/06-Present	1
20-137.2	Operation of vehicles resembling law-enforcement vehicles (20-137.2(b))	10/1/94-Present	1
20-138.1	Driving while impaired (punishment level 1; 20-179(g) or 2 (20-179(h))	10/1/94-5/31/02	M
20-138.1(d)	Driving while impaired (punishment level 1; 20-179(g) or 2 (20-179(h))	5/31/02-Present	M
20-138.2	Impaired driving in commercial vehicle (20-138.2(e))	10/1/94-Present	M
20-141(j)	At least 15 mph over; trying to elude arrest [Recodified under 20-141.5(a) as of 12/1/97]	10/1/94-12/1/97	1
20-141.3(a) & (c)	Unlawful racing on streets and highways	11/12/96-Present	1
20-141.5(a)	Speeding to elude arrest	11/17/99-Present	1
20-157(h)	Duty to Move Over	1/1/06-Present	1
20-166(b)	Duty to stop in event of accident or collision	10/1/94-Present	1
20-166(c)	Duty to stop in event of accident or collision	10/1/94-Present	1
20-166(c1)	Duty to stop in event of accident or collision	10/1/94-Present	1
20-183.8	Inspection violation by Inspector	3/1/11-Present	3

<u>STATUTE</u>	<u>SHORT TITLE</u>	<u>VALID FOR</u>	<u>MISD. CLASS</u>
20-279.31(b)(1)	Other violation; penalties (gives information required in a report of a reportable accident, knowing/having reason to believe information is false)	1/1/06-Present	1
20-279.31(b)(2)	Other violations; penalties (forges or without authority signs any evidence of proof of financial responsibility)	1/1/06-Present	1
20-279.31(b)(3)	Other violations; penalties (forges/offers for filing any evidence of proof of financial responsibility, knowing/having reason to believe that evidence is forged/signed without authority)	1/1/06-Present	1
20-313.1	Making false certification or giving false information	1/1/06-Present	1
20-371	Regulation of professional house moving	3/1/11-Present	1
23-9	Creditors to file verified claims with clerk	10/1/94-Present	1
23-12	Trustee violating duties guilty of misdemeanor	10/1/94-Present	1
23-46	Soliciting claims of creditors (23-47)	10/1/94-Present	1
24-12 to 24-16	Second mortgages (24-17)	10/1/94-Present	1
34-13	Investment of funds	10/1/94-Present	1
42-11	Willful destruction by tenant	10/1/94-Present	1
42-13	Wrongful surrender to other than landlord	10/1/94-Present	1
42-22	Unlawful seizure by landlord or removal by tenant	10/1/94-Present	1
42-22.1	Tenant to account for sales of tobacco	10/1/94-Present	1
44A-12.1	No docketing of lien unless authorized by statute [felony as of 12/1/12]	1/1/06-11/30/12	1
44A-24	False statement/statutory liens	10/1/94-Present	1
44A-32	Payment and performance bonds required	10/1/94-Present	1
47-112	Forgery or alteration of discharge or certificate	10/1/94-Present	1
48-3	What minor children may be adopted (48-3(b)) [Recodified at 48-10-101 as of 7/1/96]	10/1/94-7/1/96	1
48-10-101(a) & (b)	Prohibited activities in placement (48-10-101(c))	5/31/02-Present	1
48-10-101(c)	Prohibited activities in placement	11/17/99-5/31/02	1
48-10-102	Unlawful payments related to adoption	10/1/94-5/31/02	1
48-10-102(a)	Unlawful payments related to adoption (48-10-102(b))	5/31/02-Present	1

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48-10-105(a)	Unauthorized disclosure of information (48-10-105(b))	5/31/02-Present	1
48-10-105(b)	Unauthorized disclosure of information	11/17/99-5/31/02	1
48-25(b)	Record and information not to be made public [Recodified at 48-10-101 as of 7/1/96]	10/1/94-7/1/96	1
48-37	Compensation for placing of child [Recodified under 48-10-101 as of 7/1/96]	10/1/94-7/1/96	1
48-38	Advertisements soliciting children for adoption [Recodified at 48-10-101 as of 7/1/96]	10/1/94-7/1/96	1
49-2	Non-support of illegitimate child by parents	10/1/94-Present	2
50B-4.1	Knowingly violating valid protective order	11/17/99-Present	A1
50B-4.2	False statement to law enforcement regarding protective order in effect	1/1/06-Present	2
50D-10	Violation of Court Order	5/20/16-Present	A1 (M)
51-7	Solemnizing without license	10/1/94-Present	1
51-15	Obtaining marriage license by false pretense	1/1/06-Present	2
53-63	Unlawful issuing of certificate of deposit	10/1/94-9/30/12	1
53-86	Bank officials accepting fees	10/1/94-10/01/12	3
53-125	Bank examiners disclosing confidential information [Repealed]	10/1/94-10/1/12	1
53-126	Loans or gratuities forbidden [Repealed]	10/1/94-10/1/12	1
53-128	Willfully and maliciously making derogatory reports [Repealed]	10/1/94-10/1/12	1
CH 53 Art. 10	Banking offenses (53-134) [Repealed]	10/1/94-10/1/12	1
CH 53 Art. 15	Consumer finance act (53-166(c))	10/1/94-Present	1
53-208	Sale of checks act (53-208) [Repealed]	10/1/94-11/1/01	1
53-208.26(b)	Material or false representation in any document filed in Money Transmitters Act	1/1/06-Present	1
53-208.26(c)	Engage in business of money transaction w/out license	1/1/06-Present	1
53-243.02	Criminal penalty, regulate mortgage servicers [decreased penalty from Class 1 felony to Class 3 misdemeanor - 2008] [Repealed]	7/03/04-3/1/11	3

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CH 53 Art. 17	Sale of checks act	10/1/94to7/3/09	1
54-109.5	Use of name "credit union" exclusive	10/1/94-Present	1
54-109.105	Credit union information deemed confidential (54-109.105(f))	10/1/94-Present	1
54-157	Breach of marketing contract of cooperative association; spreading false reports about the finances of management thereof	1/1/06-Present	2
54B-56	Examinations by savings and loan administrator (54B-56(c)&(d))	10/1/94-Present	1
CH 54B Art. 4	Savings and loan association offenses (54B-66)	10/1/94-Present	1
54B-78	Savings and loan associations; prohibited practices	10/1/94-Present	1
54C-54	Examinations by savings bank administrators (54C-54(c)&(d))	10/1/94-Present	1
54C-64	Defamation and false/misleading advertising/banks	10/1/94-Present	1
CH 54C Art. 5	Savings bank offenses (54C-79)	10/1/94-Present	1
55-1-29(a)	Signing false document; business corp. act (55-1-29(b))	10/1/94-2/20/96	1
55-1-29(a)	Signing false document; business corp. act (55-1-29(b))	5/31/02-Present	1
55A-1-29(a)	Signing false document; business corp. act (55-1-29(b))	11/17/99-5/31/02	1
55A-1-29(a)	Signing false document; non-profit corp. act (55A-1-29(b))	5/31/02-Present	1
55-1-32(b)	Corporations, officers/answer interrogatories	10/1/94-11/17/99	1
55-1-32(b)	Corporations, officers/answer interrogatories (55-1-32(b))	5/31/02-Present	1
55A-1-32(b)	Corporations, officers/answer interrogatories	11/17/99-5/31/02	1
55A-1-32(a)	Corporations, officers/answer interrogatories (55A-1-32(b))	5/31/02-Present	1
57C-1-29(a)	Signing false documents; limited liability company act (57C-1-29(b)) [Repealed]	10/1/94-1/1/14	1
57C-1-32(b)	Limited liability company, officers/answer interrogatories [Repealed]	10/1/94-1/1/14	1
58-1-35(j)	Service agreements	10/1/94-9/30/07	1

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58-2-164	Auto insurance rate evasion fraud; prevention programs	3/1/11-Present	3
58-2-200	Books and papers required to be exhibited	10/1/94-Present	1
58-3-85	Corporation maintaining office in state to secure license	10/1/94-Present	1
58-3-130	Agent, etc., violating insurance law	10/1/94-Present	1
58-21-105(a)	Surplus lines licensee	10/1/94-Present	1
58-24-180(a)	False statement in application for membership in fraternal benefit society	10/1/94-Present	1
58-30-12(b)	Duty to report insurer impairment	10/1/94-Present	1
58-33-95	Agents personally liable; representing unlicensed company	10/1/94-Present	1
58-33-100	Payment of premium to agent valid; obtaining by fraud	10/1/94-Present	1
58-33-105	False statement in applications for insurance	10/1/94-Present	1
58-33-115	Adjuster acting for unauthorized company	10/1/94-Present	1
58-33-120	Acting without a license or violating insurance law	10/1/94-Present	1
58-35-30(b)	Refusing to exhibit records; making false statements	10/1/94-Present	1
CH 58 Art. 35	Insurance premium financing penalties (58-35-90)	10/1/94-Present	1
58-39-115	Obtaining information under false pretenses	10/1/94-Present	1
CH 58 Art. 64	Continuing care facilities; penalties (58-64-75)	10/1/94-Present	1
CH 58 Art. 67	Health maintenance organizations; penalties (58-67-165(b))	10/1/94-Present	1
CH 58 Art. 69	Motor clubs and associations; penalties (58-69-35)	10/1/94-Present	1
58-70-1	Permit from commissioner of insurance; collection agency	10/1/94-Present	1
CH 58 Art. 71	Bail bondsmen and runners; penalties (58-71-185)	10/1/94-Present	1
58-71-95(1)-(9)	Bail bondsmen prohibited practices (58-71-185)	5/31/02-Present	1
58-81-5	Careless or negligent setting of fires	10/1/94-Present	1
58-82-1	Willful interference with firemen	10/1/94-Present	1
59-35.1, 55D-18	Filing of documents (penalty for signing false documents) (55D-18(b))	1/1/06-Present	1
59-206, 55D-18	Filing requirements (penalty for signing false documents) (55D-18(b))	1/1/06-Present	1

**STATUTE****SHORT TITLE****VALID FOR****MISD.  
CLASS**

62-144	Free transportation (62-144(c))	10/1/94-Present	1
62-150	Ticket may be refused intoxicated person; prohibited entry	10/1/94-Present	1
62-224	Obstructing highways; defective crossings; notice; failure to repair after notice (62-224(c)) (Recodified at 136-192(c) as of 9/4/98)	10/1/94-9/43/98	1
62-318	Allowing or accepting rebates	10/1/94-11/17/99	1
62-322	Unauthorized manufacture or sale of switch-lock keys	10/1/94-Present	1
62-323	Willful injury to property of public utility	10/1/94-Present	1
62-325(b)	Unlawful motor carrier operations; false report of charges	10/1/94-Present	1
62-326	Furnishing false information to/ withholding information from utilities commission	10/1/94-Present	1
62A-12	Misuse of 911 system (Recodified at 14-111.4 as of 1/1/08)	10/1/94-1/1/08	1
63-18	Dangerous flying	10/1/94-Present	1
63-26	Tampering with aircraft	10/1/94-Present	1
63-27	Operation of aircraft while impaired (63-27(e)); initial offense is a Misd.; subsequent offenses are felonies	10/1/94-Present	1
63-37.1	Obstruction of airport	2/20/96-Present	1
65-57	Licenses for cemetery sales organizations (65-57(h))	10/1/94-Present	1
Ch 65 Art. 9	Cemetery act; penalties (65-71(a))	10/1/94-Present	1
65-72	Burial without regard to race or color (65-72(b))	10/1/94-Present	1
66-4	Falsely acting as inspector of lumber	10/1/94-Present	1
66-10(a)	Junk dealers to keep record of purchases	10/1/94-present	1
66-11	Dealing in certain metals (66-11(f)) [Repealed]	10/1/94-10/1/12	1
CH 66 Art. 4A	Safety features of hot water heaters (66-27.3)	10/1/94-1/1/06	1
CH 66 Art. 11	Umstead Act (66-58(e))	10/1/94-Present	1
CH 66 Art. 12	Coupons for products of photography (66-64) [Repealed]	10/1/94-7/6/95	1
66-66	Antifreeze with inorganic salts or petroleum distillates	10/1/94-Present	1



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CH 66 Art. 16	Unfair trade practices in diamond industry (66-75)	10/1/94-Present	1
CH 66 Art. 17	Advertising or conducting closing-out sale (66-81)	10/1/94-Present	1
CH 66 Art. 18	Labeling of household cleaners (66-86)	10/1/94-Present	1
66-97	Seller of business opportunity to file w/secretary of state (66-97(e))	10/1/94-Present	1
66-108	Bond or trust account required (66-108(b))	10/1/94-Present	1
66-109	Loan broker's ads filed with secretary of state (66-109(b))	10/1/94-Present	1
66-145(a) or (b)	Rental referral agency; bond or trust account (66-145(d))	10/1/94-9/30/12	1
66-167	Regulations of precious metals	10/1/94-9/30/12	1
66-257(a)	Failure to keep record of new merchandise and failure to produce record or an affidavit	11/12/96-Present	1
66-257(c)	Failure to obtain permission of property owner; failure to produce retail sales tax license; failure to provide name; address, identification upon request; knowingly giving false information when registering.	11/12/96-Present	3
66-372(j)	Service agreements	10/1/94-10/1/07	1
66-396	Pawn Broker Modernization act, knowing violation	1/1/06-Present	2
66-408	Perjury/obtaining permit/precious metal business	10/1/12-Present	2
67-4.3	Attacks by dangerous dogs	10/1/94-Present	1
70-4	Destruction or sale of relic from public lands	10/1/94-Present	1
70-29	Discovery of unmarked human burial & skeletal remains (70-40(a))	10/1/94-Present	1
72-37	False registration and use for immoral purposes [Repealed]	10/1/94-8/17/04	1
72-38	Innkeeper knowingly permitting immorality [Repealed]	10/1/94-8/17/04	1
72-43	Operation without license made misdemeanor [Repealed]	10/1/94-8/17/04	1
CH 72 Art. 4	Tourists camps, roadhouse & public dance halls (72-44) [Repealed]	10/1/94-8/17/04	1

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CH 72 Art. 6	Advertisements by motor camps, tourist camps, etc. (72-51)	10/1/94-1/1/06	1
73-4	Keeping false toll dishes	10/1/94-Present	1
74-24.14	Willful violation of Mine Safety and Health Act which causes death/serious physical harm; making false statement in document required under Article; knowingly selling equipment not in compliance with Article	1/1/06-Present	2
74-30	Obstructing mining; drains	10/1/94-Present	1
CH 74C	Private protective services (74C-17(b))	10/1/94-Present	1
CH 74D	Alarm systems (74D-11(b))	10/1/94-Present	1
CH 74E	Company Police Act (74E-13(a))	11/17/99-Present	1
74F-3	Locksmith License required	1/1/06-Present	3
CH 74G	Campus Police Act (74G-13(a))	1/1/06-Present	1
CH 75	Antitrust (75-6) [Repealed]	10/1/94-6/3/96	1
75-28	Unauthorized disclosure of tax information	10/1/94-Present	1
75A-5(e)	Wildlife licenses; fees	10/1/94-2/28/11	1
75A-5(l)	Wildlife licenses; termination [Rewritten 7/1/99]	10/1/94-7/1/99	1
75A-5.1	Commercial fishing boats; renewal of number (75A-5.1(d)) [Repealed]	10/1/94-10/1/13	1
75A-10(a),(b),(b1)	Reckless/intoxicated operation (75A-18(b))	10/1/94-5/31/02	2
75A-10(a),(b),(b1)	Reckless/intoxicated operation (75A-18(b)); 2nd conviction.	5/31/02 -Present	2
75A-10(d)	Littering (75A-18(d)(1))	10/1/94-Present	1
75A-47	Surrender of certificate req'd when security interest paid	10/1/94-Present	1
75A-48	Levy of execution, etc.	10/1/94-Present	1
75D-6	RICO act	10/1/94-Present	1
76-40(a1)	Navigable waters; certain practices regulated; medical wastes	10/1/94-Present	1
76A-16	Compulsory use of pilots	10/1/94-Present	1
76A-46	Compulsory use of pilots on Morehead City harbor	10/1/94-Present	1
77-7	Failure of owner of dam to keep gates, etc.	10/1/94-Present	1

<u>STATUTE</u>	<u>SHORT TITLE</u>	<u>VALID FOR</u>	<u>MISD. CLASS</u>
77-12	Obstructing passage of boats	10/1/94-Present	1
78A-9, 78A-57(a3)	Misleading filings (willful violation other than knowing the statement made to be false or misleading).	1/1/06-Present	2
78C-9	Misleading filings (willful violation other than knowing the statement made to be misleading in any material aspect)	1/1/06-Present	2
78C-39(a3)	Misleading filings (willful violation other than knowing the statement made to be misleading in any material aspect)	1/1/06-Present	2
80-11.1(b)(1)	Criminal use of counterfeit trademark (retail value of goods or services exceeding \$3000).	1/1/06-Present	2
80-20	Fraudulent use of timber trademark	10/1/94-Present	1
80-40	Marking gold articles	10/1/94-Present	1
80-41	Marking silver articles (80-41(3))	10/1/94-Present	1
80-42	Marking articles of gold plate	10/1/94-Present	1
80-43	Marking articles of silver plate	10/1/94-Present	1
80-44	Stamping of gold and silver articles	10/1/94-Present	1
CH 81A	Weights and measures act of 1975 (2nd offense; 81A-29)	10/1/94-Present	1
83A-16	Unauthorized practice of architecture	1/1/06-Present	2
84-4 to 84-7	Qualifications of attorney; clinics of law schools excepted (84-8)	10/1/94-Present	1
84-9	Attorney must appear for creditor in insolvency (84-10)	10/1/94-Present	1
84-38	Solicitation of retainer or contract for legal services	10/1/94-Present	1
85B-4(a)	Auctioneer licenses (85B-9(a))	10/1/94-Present	1
86A-20(2),(3)	Unauthorized practice as barber (obtaining certification or practicing through fraudulent misrepresentation)	1/1/06-Present	3
87-13	Unauthorized practice of contracting; impersonating contractor, false certificate; giving false evidence to Board; penalties	1/1/06-Present	2
87-25	Giving false or forged evidence; false impersonation of electrical contractor	1/1/06-Present	2
87-42	Powers of board of examiners of electrical contractors	10/1/94-Present	1

<u>STATUTE</u>	<u>SHORT TITLE</u>	<u>VALID FOR</u>	<u>MISD. CLASS</u>
87-61	Violations made misdemeanor; employees of licensees excepted (unlawful to do business in refrigeration contracting without a license)	1/1/06-Present	3
88A-4	Unlawful Practice of Electrolysis	1/1/06-Present	2
89A-8(a)	Registration of landscape architects [Became Class 2 misdemeanor 10/1/97]	10/1/94-10/1/97	1
89C-23	Unlawful to practice engineering or land surveying without registration; unlawful use of title or terms; Attorney General to be legal advisor	1/1/06-Present	2
89E-18, -22	Misdemeanors (unlawful to practice/appear/present oneself as a geologist without license; violation of Chapter)	1/1/06- Present	2
89F-19, -22	Misdemeanors (unlawful to practice/appear/impersonate a soil scientist without license; violation of Chapter)	1/1/06 -Present	2
89F-22(2)-(5)	Giving forged or false evidence, impersonation of licensed soil scientist	1/1/06-Present	2
90-18	Practicing medicine without license (90-18(a))	10/1/94-Present	1
CH 90, Art. 1A, Pt. 2	Abortion notifications (90-21.10)	11/12/96-Present	1
90-27	Board of dental examiners; judicial powers	10/1/94-Present	1
90-29.2(d)	Written work orders of dentists	10/1/94-Present	1
90-40	Unauthorized practice of dentistry	10/1/94-Present	1
90.85.21B, -85.40	Unlawful practice of pharmacy	1/1/06-Present	1
90-85.40(a)-(e)	Pharmacy practice act (90-85.40(h))	10/1/94-Present	1
90-95(d)(2)	Possession of schedule II, III, IV	10/1/94-Present	1
90-95(d)(3)	Possession of Schedule V	10/1/94-Present	2
90-95(d)(4)	Possession of Schedule VI (when punishable as Class 1 Misd)	10/1/94-Present	1
90-95(e)(4)	Conviction of 2 or more violations of Art. 5	10/1/94-Present	1
90-95(e)(7)	Conviction of 2 or more violations of Art. 5	10/1/94-Present	2
90-108	Licensed practitioners; controlled substances (90-108(b))	10/1/94-Present	1
CH 90 Art. 5A	Toxic vapors act (90-113.13)	10/1/94-Present	1

<u>STATUTE</u>	<u>SHORT TITLE</u>	<u>VALID FOR</u>	<u>MISD. CLASS</u>
90-113.22	Possession of drug paraphernalia (90-113.22(b))	10/1/94-Present	1
90-113.23	Manufacture or delivery of drug paraphernalia (90-113.23(c))	10/1/94-Present	1
90-113.43	Unauthorized practice as substance abuse counselor	2/20/96-Present	1
90-113.56(a)	Unauthorized sale of Pseudoephedrine products	1/1/06-Present	A1
90-113.56(b)	Unauthorized sale of Pseudoephedrine products	1/1/06-Present	1/ A1
90-113.82	Glass tubes or splitters; restriction on sales [Class 2 for retailer/Class 1 for customer] (90-113.83)	3/1/11-Present	1/2
90-117.4	Board of examiners in optometry; judicial powers	10/1/94-Present	1
90-118.11	Unauthorized practice of optometry	10/1/94-Present	1
90-136	License of osteopathic physician (90-136(b)) [Repealed]	10/1/94-8/7/09	1
90-147	Practice of chiropractic without license	10/1/94-Present	1
CH 90 Art. 9A	Nursing practice act (90-171.45)	10/1/94-Present	1
90-187.6(f)	Veterinary assistants	10/1/94-Present	1
90-187.6(g)	Veterinary assistants; veterinarian permitting	10/1/94-Present	1
CH 90 Art. 12	Unauthorized veterinary practices (90-187.12)	10/1/94-Present	1
90-202.3	Practice of podiatry w/out registration	10/1/94-Present	1
90-210.43(g)	Licensing and inspection of crematories [Recodified as 90-210.123]	10/1/94-10/1/03	1
90-210.89	Penalty for wrongfully inducing person to change membership (membership of a burial association)	1/1/06-Present	1
90-210.90	Making false and fraudulent entries (making of false entries on the books of a burial association with the intent to deceive or defraud any member thereof)	1/1/06-Present	1
90-210.97	Making false or fraudulent statement (made in application for membership or obtaining money from any burial association)	1/1/06-Present	1
90-210.123	Licensing and inspection (refusal to obey subpoena issued by North Carolina Funeral Service under Cremations Article)	1/1/06-Present	1
CH 90, Art.13D	Funeral trust funds (90-210.70(b))	2/20/96-Present	1

<u>STATUTE</u>	<u>SHORT TITLE</u>	<u>VALID FOR</u>	<u>MISD. CLASS</u>
90-220.12	Supervision of licensed physician required in selection of blood donors	10/1/94-Present	1
CH 90 Art. 16	Practice of dental hygiene (90-233.1)	10/1/94-Present	1
90-251	Dispensing opticians; allowing unlicensed person	10/1/94-Present	1
90-252	Practice of opticianry w/out license	10/1/94-Present	1
90-270.35	Practice of physical therapy w/out license or authorization (90-270.35(6))	10/1/94-Present	1
90- 270.78	Occupational therapy act (90-270.79)	10/1/94-Present	1
90-288(1)	Nursing home administrator (90-288)	10/1/94-Present	1
90-331-332	Registered practicing counselors act (90-341)	10/1/94-Present	1
90-365	Dietetics/nutrition act (90-366)	10/1/94-Present	1
90-452	Practice of acupuncture w/out license	10/1/94-Present	1
90-516	Practice as certified industrial hygienist w/o license	1/1/06-Present	2
90-538	Practice as certified athletic trainer w/o license	1/1/06-Present	1
90-661	Respiratory Care Practice Act (90-661) [Violations: 90-662]	1/1/06-Present	1
CH 90A Art. 4	Registrations of sanitarians (90A-66)	10/1/94-Present	1
90B-4	Social worker certification & licensure (90B-12)	1/1/06-Present	2
91A-11	Pawn Broker Modernization Act, knowing violation	1/1/06-Present	2
93-13	CPA criminal punishment [increase punishment from Class 3 to Class 1]	3/1/11-Present	1
CH 93A Art. 1	Real estate brokers and salesmen (93A-8)	10/1/94-Present	1
CH 93A Art. 4	Time shares (93A-56)	10/1/94-Present	1
93E-1-13(a)	Practice of real estate appraising w/out license or certification	10/1/94-Present	1
95-28	Working hours of employees in state institutions (Repealed 7/1/97)	10/1/94-7/1/97	1
95-47.9(e)	Private personnel services	10/1/94-Present	1
CH 95 Art. 12	Public employees (strikes, trade or labor unions) (95-99)	10/1/94-Present	1
95-110.11(b),(c)	Misrepresentation as authorized inspector/making false statement required under Elevator Safety Act	1/1/06-Present	2

**STATUTE****SHORT TITLE****VALID FOR****MISD.  
CLASS**

95-124	Passenger tramway safety	10/1/94-Present	1
95-139	Occupational safety and health act; violation leads to death (has previous violations)	10/1/94-Present	1
95-194(g)	Emergency information	10/1/94-Present	1
96-15.2	Protection of witness before the ESC	10/1/94-Present	1
96-18(a)	Make false statement or representation known to be false, or fail to disclose material fact under Unemployment Insurance Division Act	10/1/94-Present	1
96-18(b)	Employing unit or any officer or agent making false statement or representation known to be false, or fail to disclose material fact, etc. under the Unemployment Insurance Division Act.	1/1/06-Present	1
96-18(c)	Any other illegal violation under the Unemployment Insurance Division Act for which no penalty is prescribed	1/1/06-Present	1
97-60	Examination of employees/industries with dust hazards [Repealed]	10/1/94-7/1/03	1
97-76	Inspection of hazardous employments; refusal to allow inspection [Repealed]	10/1/94-7/1/03	1
97-88.2(a)	Misrepresentation to get worker's comp payment	2/20/96-Present	1
97-88.2(c)	Threats to prevent filing or unlawful charging [Felony as of 10/1/97]	2/20/96-9/30/97	
97-88.3(c)	Misrepresentation to get worker's comp payment	1/1/06-Present	1
97-90(b)	Worker's comp legal and medical fees	10/1/94-Present	1
97-94(c)	Worker's comp required	10/1/94-Present	1
97-100(g)	Wrongful or fraudulent representation of carrier (rates of insurance)	1/1/06-Present	2
102-4	Damaging, defacing, or destroying monuments	10/1/94-Present	1
104E-10.2, 10.15, or 10.20	Radiation protection act (104E-23(a))	10/1/94-Present	1
104E-23	Obstruction of authorized representative of the Department of Environmental and Natural Resources	1/1/06-Present	1
104E-29(c)	Confidential information on radiation protection	10/1/94-Present	1

**STATUTE****SHORT TITLE****VALID FOR****MISD.  
CLASS**

104F-3	Radioactive waste compact [Repealed]	10/1/94-7/22/99	1
105-33(j)	License taxes [Repealed]	10/1/94-7/1/97	1
105-77	Tobacco warehouses (105-77(g))[Repealed]	10/1/94-7/1/97	1
105-86	Outdoor Advertising [Repealed]	10/1/94-7/1/97	1
105-88(d)	Loan agencies or brokers [Rewritten 7/14/2000]	10/1/94-7/14/00	1
105-90	Emigrant and employment agents (105-90(c)) [Repealed]	10/1/94-7/1/97	1
105-99	Wholesale distributors of motor fuels [Repealed]	10/1/94-7/1/97	1
105-109(b)	Engaging in business without a license; after expiration [Rewritten 1/1/99]	10/1/94-1/1/99	1
105-109(c)	Engaging in business without a license [Repealed]	10/1/94-1/1/99	1
CH 105 Art. 2A	Tobacco products tax (105-113.33)	10/1/94-Present	1
105-113.73	ABC tax schedule	10/1/94-1/1/06	1
105-113.112	Confidentiality of controlled substance tax information	10/1/94-Present	1
105-163.013(d)	Qualified investment organization; tax credits; filing false application	10/1/94-Present	1
105-164.9	Advertisement to absorb tax	10/1/94-Present	1
105-236(8)	Taxation penalties; failure to collect	10/1/94-Present	1
105-236(9)	Taxation penalties; failure to file return	10/1/94-Present	1
105-259	Secrecy required of revenue officials (105-259(c))	10/1/94-Present	1
105-290(d)(2)	Willful failure to appear or produce subpoenaed documents	10/1/94-Present	1
105-291(c)(2)	Powers of revenue department and commission	10/1/94-Present	1
105-296(g)	Powers and duties of county assessor	10/1/94-Present	1
105-308	Willful failure to list property	1/01/06-Present	2
105-310	False affirmation	1/01/06-Present	2
105-322(g)(3)b	Powers and duties of county board of equalization	10/1/94-Present	1
105-330.3	Listing requirements for classified motor vehicles; application for exempt status	3/1/11-Present	2



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105-334(b)	Willful subscription of false report	1/1/06-Present	2
105-352(d)	Delivery of tax receipts to tax collector	10/1/94-Present	1
105-359(e)	Prepayments made before tax receipts delivered	10/1/94-1/1/06	1
105-368(i)	Refusal to cooperate with tax collector or assessor	10/1/94-Present	1
105-373(f)	Failure to perform duty	10/1/94-Present	1
105-440(e)	Applications for and administration of tax refunds [Repealed]	10/1/94-1/1/96	1
105-441(a)	Gasoline tax; cancellation of license and bond [Repealed]	10/1/94-1/1/96	1
105-444	Distributor officer of state for collection of tax [Repealed]	10/1/94-1/1/96	1
105-447	Reports to carriers [Repealed]	10/1/94-1/1/96	1
105-449(e)	Motor fuel used in public school transportation [Repealed]	10/1/94-1/1/96	1
105-449.34	Gasoline tax; penalties [Repealed]	10/1/94-1/1/96	1
105-449.41	False statement; sale of motor fuel	10/1/94-2/20/96	1
105-449.41	False statement; sale of motor fuel [Repealed]	5/31/02-1/1/03	1
105-449A(c)	Exemption of motor fuel used in state vehicles [Repealed]	10/1/94-1/1/96	1
105-449.120(a)	Dispensing motor fuels without a license, failure to pay tax, false statements, records and reports	2/20/96-Present	1
105-449.120(b)	Dispensing non tax-paid motor fuel into highway vehicle, knowingly allowing to be dispensed	2/20/96-Present	2
105-449.139(b)	Miscellaneous provisions (offenses (1) through (9) under 105-449.120 apply to the Alternative Fuel Article; references to "motor fuel" are to be construed as references to alternative fuel)	1/1/06-Present	1
106-9.2(a)	Failure to keep records & reports required by Dept. of Agriculture; failure to comply with inspection	10/1/94-Present	1
106-22(3)	Violation of regulations and quarantines developed by Bd. of Agriculture to control livestock disease	10/1/94-Present	1

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106-65.33	Falsification of records required to be kept by structural pest control Act, or misuse of registered pesticide	1/1/06-Present	2
106-65.48	Interference or obstruction of inspection or rules developed under Biological Organism Act	1/1/06-Present	3
106-65.73	Violation of quarantine regulation under the Boll weevil eradication act (106-65.78)	10/1/94-Present	1
106-65.78	Violation of Boll weevil eradication act; forge or counterfeit any certificate required under act	10/1/94-Present	1
106-168.15	Rendering operations or collecting raw material from animal carcass without a license	10/1/94-Present	1
106-245.38(a)	Falsifying records required by Dept. of Agriculture on processing of eggs	10/1/94-Present	1
106-258	Violation of Quarantine (106-362)	10/1/94-Present	1
106-266.9	Acting as distributor of milk without a license (106-266.14) [Repealed]	10/1/94-8/17/04	1
106-267.4	Violating milk testing standards or fraudulently manipulating samples for testing	10/1/94-Present	2
106-275	False certification of purebred crop seeds	10/1/94-Present	1
106-284.20	Interference with commissioner of agriculture in enforcement of vegetable plant law	10/1/94-Present	1
106-284.37	Misbranding of commercial feed (106-284.44)	1/1/06-Present	2
106-307	Violation of proclamation of Governor of livestock, poultry or feedstuff quarantine	1/1/06-Present	2
106-312	Shipping hogs from cholera-infected territory	10/1/94-Present	1
106-314	Manufacture of serum anti-hog-cholera & virus prohibited	10/1/94-Present	1
106-316.2	Use of virulent hog-cholera virus without a license prohibited (106-316.4)	10/1/94-Present	1
106-338	Violation of quarantine involving animals infected with tuberculosis (106-349)	10/1/94-Present	1
106-341	Sale, distribution or possession of tuberculin (106-349)	10/1/94-Present	1
106-342	Violation of quarantine for failure to test animal for tuberculosis when State Vet requests	1/1/06-Present	1
106-351 to 106-362	Cattle ticking (106-362)	10/1/94-1/1/06	1

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106-360	Duty of sheriff to assist quarantine inspectors in tick eradication	10/1/94-Present	1
106-390	Quarantine and branding of animals exposed to Brucellosis (106-397)	10/1/94-Present	1
106-393	Removal of animal subject to quarantine under Brucellosis regulation (106-397)	10/1/94-Present	1
106-398	Punishment for sale of animals known to be infected with, or under quarantine due to, brucellosis	10/1/94-Present	1
106-401	Violation of quarantine set by State Veterinarian to control contagious or infectious disease (106-405)	1/1/06-Present	2
106-401.1	Violation of quarantine on poultry set by State Veterinarian to control infectious disease (106-405)	1/1/06-Present	2
106-402	Confinement of diseased animals/poultry (106-405)	1/1/06-Present	2
CH 106 Art. 34 Pt. 10	Feeding garbage to swine (106-405.9)	10/1/94-1/1/06	1
106-405.19	Transport of animal, or violation of quarantine of animal, with equine infectious anemia	10/1/94-Present	1
106-411	Use of livestock removed from market; swine shipped out of state	10/1/94-1/1/06	1
106-414	Transportation, sale, etc., of diseased livestock	10/1/94-Present	1
CH 106 Art. 35	Public livestock markets (106-417)	10/1/94-1/1/06	1
106-418.11	Acting as livestock dealer without a license (106-418.14)	1/1/06-Present	3
106-423.1	Interference with inspection authorized under plant pest act	1/1/06-Present	3
106-439	Leasing and licensing of property by superintendent; manner of operating warehouse system [Repealed]	10/1/94-5/22/97	1
106-451(c)	Numbering of cotton bales by public ginneries; giving false information [Repealed]	10/1/94-5/22/97	1
106-451.1	Purchasers of cotton to keep records of purchases [Repealed]	10/1/94- 5/22/97	1
106-451.28	Engage in fraudulent or deceptive practice in operation of cotton warehouse	10/1/94-Present	1
106-465	Tobacco boards of trade; price fixing prohibited	10/1/94-1/1/06	1

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CH 106 Art. 41	Dealers in scrap tobacco (106-469) [Repealed]	10/1/94-5/13/99	1
CH 106 Art. 44	Practices by handlers of fruits (106-501)	10/1/94-1/1/06	1
106-516.1	Carnivals and similar amusements not to operate w/o permit	10/1/94-1/1/06	1
106-520.1 to 106-520.6	Supervision of fairs (106-520.7)	10/1/94-1/1/06	1
106-542	Operation of hatchery without a license (106-549)	1/1/06-Present	2
106-545	Use of false advertising in sale of product by hatchery, chick dealer, etc. (106-549)	1/1/06-Present	2
106-548	Violation of quarantine of poultry exposed to pullorum disease or fowl typhoid	1/1/06-Present	2
106-549.34	Interference with meat inspector (without use of a deadly weapon)	1/1/06-Present	2
106-549.34	Interference with meat inspector (with the use of a deadly weapon)	1/1/06-Present	1
106-549.36(c)	Refusal to attend or testify under meat inspection act.	1/1/06-Present	2
106-549.36(c)(1)	Making of false statement in report required under meat inspection act	1/1/06-Present	2
106-549.36 (c)(3)	Disclosure of confidential information obtained under meat inspection act	1/1/06-Present	2
106-549.59(c)	Interference with inspection under poultry inspection act (assaulting resisting, etc. officer with use of deadly or dangerous weapon)	1/1/06-Present	A1
106-549.68(c)(1)	Poultry products inspection act; refusal to attend or testify	10/1/94-Present	1
106-549.68(c)(2)	Poultry products inspection act; making of false statement	10/1/94-Present	1
106-549.68(c)(4)	Poultry products inspection act; disclosure of confidential information	10/1/94-Present	1
106-549.84	Movement of animals subject to quarantine for containing biological residue (106-549.88)	1/1/06-Present	2
106-579.9(1)	Distribution of adulterated/misbranded antifreeze (106-579.12)	1/1/06-Present	2
106-579.9(4)	Refuse to permit inspection allowed under antifreeze law (106-579.12)	1/1/06-Present	2

<u>STATUTE</u>	<u>SHORT TITLE</u>	<u>VALID FOR</u>	<u>MISD. CLASS</u>
106-579.9(13)	Disseminate false advertising related to antifreeze product (106-579.12)	1/1/06-Present	2
106-579.11	Dissemination of trade secret included in submission of formula to sell antifreeze	10/1/94-Present	2
106-602	Prohibited to act as grain dealer without license (106-614)	1/1/06-Present	2
106-641	Knowingly give false information to Department of Agriculture about diseased bees (106-644(a))	1/1/06-Present	3
106-644(a)	Interfere with inspection required under bee and honey act	1/1/06-Present	3
106-668	Manufacture and sale of commercial fertilizer; penalties	10/1/94-Present	1
106-710	Prohibited to engage in production of biologics without a license (106-714)	1/1/06-Present	2
106-763.1	Prohibited to raise alligators commercially without license (106-764)	1/1/06-Present	3
106-840	Soil and Waste Conservation–(obstructing agent/employee of the Commission)	1/1/06-Present	1
106-910	Entry upon woodlands or water for hunting, fishing or trapping/campfire or burning brush, grass or other debris [formerly 113-60.3]	7/1/11-Present	1
108A-39(a)	Fraudulent misrepresentation to obtain public assistance	10/1/94-Present	1
108A-53	Fraudulent misrepresentation to obtain food stamps	10/1/94-Present	1
108-53.1(b)	Illegal possession or use of food stamps (uses, transfers or acquires; value of the stamps is less than \$100)	1/1/06-Present	1
108-53.1(b)	Illegal possession or use of food stamps (uses, transfers or acquires; value of the stamps is at least \$100 but less than \$500)	1/1/06-Present	A1
108A-57(b)	Wilful failure to disclose to DHHS identity of entity against which beneficiary of medical assistance program has claim	10/1/94-Present	1
108A-60(a)(1)	Protection of patient property under a medical assistance program (108A-60(b))	10/1/94-1/1/06	1
108A-63	Unlawful for medical provider to make false statement to receive payment under medical assistance program	1/1/06-Present	1

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108A-64(a)	Medical assistance recipient fraud; < \$400 (108-64(c)(2))	10/1/94-Present	1
108A-65(a)	Conflicts with state personnel in state medical assistance programs (108A-64(b))	10/1/94-1/1/06	1
108A-80	Recipient check register/list of all recipients of AFDC and state-county special assistance used for improper purposes (108A-80(b); (c))	10/1/94-Present	1
110-20.1	Exhibitions of disabled children for entertainment prohibited	1/1/06-Present	3
110-47	Enticing indigent child away from child-caring facility (110-48)	10/1/94-Present	1
110-90.2(c)	Falsification by child care provider of information; criminal history check	2/20/96-Present	2
110-93	License required to operate child care facility (110-98(1); 110-103)	1/1/06-Present	1
110-102.1A	Unauthorized administration of medicine (not resulting in serious injury)	1/1/06-Present	A1
110-107	Fraudulent Misrepresentation to obtain child care subsidy; <\$1000	1/1/06-Present	2
111-23	Misrepresentation or fraud in obtaining aid to blind assistance	1/1/06-Present	2
106-910	Entry upon woodlands or water for hunting, fishing or trapping/campfire or burning brush, grass or other debris	10/1/94-Present	1
113-60.3	Entry upon woodlands or water for hunting, fishing or trapping/campfire or burning brush, grass or other debris [Recodified as 106-910]	10/1/94-7/1/99	1
113-167(b)	Use of planes in commercial fishing [Repealed]	10/1/94-7/1/99	1
CH 113 Art. 15	Commercial fishing; owner of vessel; person in charge of vessel (113-187(a)(b)&(c))	10/1/94-Present	A1
113-202(o)	New and renewal leases for coastal fisheries; false statement	10/1/94-Present	1
113-222	Arrest, service of process/witness fees for inspectors	10/1/94-Present	1
113-264(b)	Damage of wildlife resources commission (WRC) property	10/1/94-Present	1

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113-266	Interference w/artificial reef marking devices	10/1/94-Present	1
113-268(a), (b) or (c)	Robbing or injuring nets, seines, buoys, pots (2nd offense; 113-268-(d)) [Rewritten 12/1/98]	10/1/94-5/31/02	1
113-268(a), (b) or (c)	Robbing or injuring nets, seines, buoys, pots; 113-268-(d)	5/31/02-Present	A1
113-269(b) or (c)	Robbing or injuring hatcheries/aquaculture; <\$400 (113-269(e))	10/1/94-Present	1
113-269(d)	Destroying or injuring hatcheries aquaculture (113-269(f))	10/1/94-Present	1
113-275(j)	Licenses and permits dist. by WRC	10/1/94-Present	1
113-276.2(i)	Investigating real interest in permits	10/1/94-Present	1
113-277(b)	Suspension/revocation of WRC license	10/1/94-Present	1
113-290.1(a)(2)	Criminally negligent hunting; no bodily disfigurement	10/1/94-Present	1
113-290.1(a)(3)	Criminally negligent hunting; bodily disfigurement	10/1/94-Present	1
113-290.1(a)(4)	Criminally negligent hunting; death results	10/1/94-Present	1
113-290.1(d)	Criminally negligent hunting; person convicted/suspended license	10/1/94-Present	1
113-291.1(c)	Manner of taking wildlife animals or wild birds	10/1/94-Present	1
113-291.6	Taking fox by unlawful trapping/electronic device, or sells, possesses, buys (2nd offense; 113-294(k)) [Repealed]	10/1/94-10/1/95	3
113-294(a)	Unlawfully sells, possesses, buys wildlife	10/1/94-11/17/99	2
113-294(b)	Unlawfully sells, possesses, buys deer or wild turkey	10/1/94-Present	2
113-294(c)	Unlawfully takes, possesses, transports, sells any wild turkey	10/1/94-11/17/99	3
113-294(c1)	Unlawfully takes, possesses, transports, sells any bear	10/1/94-Present	1
113-294(c2)	Unlawfully takes, possesses, transports, sells any cougar	10/1/94-Present	1
113-294(d)	Unlawfully takes, possesses, transports, sells any deer	10/1/94-11/17/99	1
113-294(e)	Taking deer one-half hr. before/after sunset w/artificial light	10/1/94-Present	2
113-294(h)	False or misleading statements to secure license	10/1/94-Present	1

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113-294(j)	Unlawfully sells, possesses for sale, or buys a fox, or who takes any fox by unlawful trapping or with the aid of any electronic calling device	10/1/95-Present	2
113-294(l)	Unlawfully takes, possesses, transports, sells or buys bald/gold eagle	10/1/94-Present	1
113-294(m)	Unlawfully takes migratory bird w/rifle	10/1/94-11/17/99	3
113-295(a)	Unlawful harassment of persons taking wildlife resources (2nd offense)	10/1/94-Present	1
113-300.3(c)	Use of poisons and pesticides in taking of animals	10/1/94-Present	3
113-300.8	Wildlife compact [violation for person with suspended license to hunt, fish, etc.]	3/1/11- Present	1
113-303	Arrest, service of process and witness fees of protectors	10/1/94-Present	1
113-307.1(a)	Assent to federal acts w/respect to game and fish	10/1/94-Present	1
113-315.9(b)	Bond of officer of fishing/seafood agencies	10/1/94-Present	1
113-378 or 113-379	Drilling for oil/gas to register and furnish bond (113-380)	10/1/94-1/01/06	1
113-409	Punishment for making false entries in report required by the Oil and Gas Conservation Act	1/1/06-Present	2
113A Art. 10	Outdoor advertising or placement of junkyard near Blue Ridge Parkway (113A-170)	10/1/94-1/1/06	1
113B-24(b)	Submission of false reports required under the energy crisis administration act	10/1/94-Present	1
115B-6	Wilful misrepresentation to obtain benefit under tuition waiver program	1/1/06-Present	3
115C-13	Duty of State Board of Education, Superintendent of Public Instruction and employees to maintain confidentiality of certain records	10/1/94-Present	1
115C-276(p)	Unlawful for school superintendent to procure another to make false reports of data required to be reported	10/1/94-Present	1
115C-288(b)	Unlawful for principals to make false reports of data required to be reported	10/1/94-Present	1
115C-307(g)	Unlawful for teachers to make false reports of data required to be reported	10/1/94-Present	1



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115C-317	Unlawful for school employees to make false reports of data required to be reported	10/1/94-Present	1
115C-323	School employee health requirement	10/1/94-1/1/06	1
115C-332(h)	School personnel criminal history checks (furnishing false information)	1/1/06-Present	A1
115C-366(a3)	Assignment of student to a particular school (use of false information to change schools)	1/1/06-Present	1
115C-378	Compulsory school attendance (115C-380)	10/1/94-12/1/05	3
115C-378	Compulsory school attendance (115C-380)	12/1/05-Present	1
115C-380	Aiding and abetting a student's unlawful absence from school [Increased punishment from Class 3 to Class 1 misdemeanor - 2005]	3/1/11-Present	1
115C-383(b) & (c)	Failure of parents to enroll their blind/deaf children [Repealed]	10/1/94-7/3/13	1
115C-401.1	Selling of student information obtained through contract(s) with local board of education	1/1/06-Present	2
115C-447	Conceal, falsify or refuse to deliver financial records of school administrative unit for audit	10/1/94-Present	1
116-235(b)(2)	Aid/Abet Unlawful Absence From School	1/1/06-Present	1
119-1	Unlawful substitution of lubricating oil (119-4)	1/1/06-Present	2
119-3	Misrepresentation of brand of lubricating oil for sale (119-4)	1/1/06-Present	2
119-7	Sale of automobile fuels and lubricating oils by deception prohibited (119-13)	10/1/94-Present	1
119-8	Sale of fuels different than advertised name prohibited (119-13)	10/1/94-Present	1
119-9	Imitation of standard equipment prohibited (119-13)	10/1/94-Present	1
119-10	Sale of liquid fuels, lubricating oils, etc. under false trade name (119-13)	10/1/94-Present	1
119-11	Selling adulterated liquid fuel, lubricating oils, etc. under trade name (119-13)	10/1/94-Present	1
119-12	Aiding and abetting in violation of article (119-13)	10/1/94-Present	1
119-13.2	Sale of fuel and oil not meeting minimum specifications (119-13.3)	10/1/94-Present	1

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119-16.2	License to possess kerosene (119-16.2(c)) [Repealed]	10/1/94-1/1/2004	1
119-16.3	Certain kerosene sales prohibited	10/1/94-1/1/06	1
119-25	Conflict of interest for Gasoline and Oil inspector prohibited	10/1/94-1/1/06	1
119-32	Obstructing Gasoline and Oil inspector in the performance of duties	10/1/94-Present	1
119-33	Possession of devices calculated to falsify measure of gasoline and oil	10/1/94-Present	2/1
119-35	Adulterate motor fuel and offer for sale	10/1/94-Present	1
CH 119 Art. 3	Gasoline and oil inspection (119-39)	10/1/94-1/1/06	1
CH 119 Art. 5	Liquefied petroleum gases (119-59)	10/1/94-1/1/06	1
120-32(3)	Removal of property from state legislative building	10/1/94-Present	1
120-32.1(b)	Violation of rules adopted by the legislative services commission	10/1/94-1/1/06	1
120-47.6	Lobbyist required to file lobbying expense report (120-47.9)	10/1/94-Present	1
120-47.7	Lobbying of Legislature	10/1/94-1/1/07	1
120C-602	Violation of Chapter 120C Articles 2 or 3	10/1/94-Present	1
121-25	License required to conduct salvage of shipwrecks and other underwater archeology (121-28)	10/1/94-Present	1
122C-65	Offenses involving clients in a 24-hour mental health facility (122C-65(b))	10/1/94-Present	1
122C-66	Abuse and exploitation at a mental health facility	10/1/94-Present	1
122C-80(f)	Furnishing false information on application for mental health employment	1/1/06-Present	A1
124-3	Report of the chief officer of every railroad	10/1/94-7/1/00 Repealed	1
126-13(b)	Unlawful to interfere with political activity of state employee off-duty/unlawful to participate in political duty while on-duty	10/1/94-Present	1
126-18	Compensation/assisting person obtaining state employment	10/1/94-Present	1

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127A-131	Unlawful conversion or willful destruction of military property	10/1/94-Present	1
127A-151	Organizing military company without authority	10/1/94-Present	1
127A-152	Placing name on muster roll wrongfully	10/1/94-Present	1
127B-5	Unlawful to commit perjury to obtain a permit to sell military property	10/1/94-Present	1
128-4	Official receiving compensation from subordinates in exchange for appointment unlawful	10/1/94-Present	1
128-11	Violation of public money trust fund laws (128-12)	10/1/94-Present	1
128-28(q)	Disclosure by local government retirement system of confidential information of participants	10/1/94-Present	1
128-32	Making false statements to the local retirement system in an attempt to defraud	10/1/94-Present	1
CH 130A	Public health (130A-25(a))	10/1/94-Present	M
130A-26	Vital statistics [Recodified to 130A-26A(a)]	10/1/94-11/12/96	1
130A-26.2	Penalty for false reporting under solid waste management (Article 9)	1/1/06-Present	2
130A-26A(a)(1)	Making false statement in certificate, report or record kept under vital statistics article	11/12/96-Present	1
130A-26A(a)(3)	Refuses to provide or provides false information affecting a certificate or record required under the vital statistics article	11/12/96-Present	1
130A-55(16)e	Violation of rule set by the sanitary district board	10/1/94-Present	1
130A-65	Unlawful to connect to sewer line without a permit from sanitary district board	10/1/94-Present	1
130A-304(c)	Disclosure of confidential information on solid waste management	10/1/94-Present	1
130A-389.1(h)	Unlawful disclosure of autopsy photographs	1/1/06-Present	1
CH 131C	Charitable solicitation licensure act (131C-22) [Repealed]	10/1/94-1/1/95	1
131D-6(c1)	Harm or wilfully neglect a person in an adult care program	10/1/94-Present	1
131D-13	Local confinement facility failing to furnish information to DHHS	10/1/94-Present	1

**STATUTE****SHORT TITLE****VALID FOR****MISD.  
CLASS**

131D-40(e)	Furnishing false information on adult care home application	1/1/06-Present	A1
131E-77	Operating hospital without a license (131E-81(a))	10/1/94-Present	3
131E-80(c)	Unlawful to interfere with inspection of hospital by DHHS (131E-81(b))	10/1/94-Present	1
131E-80(d)	Willful disclosure of confidential information by DHHS inspector or employee	10/1/94-Present	3
131E-102	Operating nursing home without a license (131E-109(a))	10/1/94-Present	3
131E-105(c)	Unlawful to interfere with inspection of nursing home	10/1/94-Present	1
131E-141.1	Unlawful to operate a home care agency without a license	1/1/06-Present	3
131E-151	Unlawful to operate an ambulatory surgical facility without a license	1/1/06-Present	3
131E-155.1	Unlawful to engage in emergency medical services or operate ambulance without a license (131E-161)	10/1/94-Present	1
131E-265(e)	Furnishing false information on nursing home/home care agency application	1/1/06-Present	A1
131F-20	Acts prohibited under the Charitable solicitation licensure act (131F-22)	11/17/99-Present	1
132-4	Failure of official to turn over public records at end of term	10/1/94-Present	1
132-5	Demanding custody of public records	10/1/94-1/1/06	1
133-32(a)	Gifts and favors with regard to public contracts (133-32(b))	10/1/94-Present	1
134A-25	Aiding escapes from an institution or youth services [Repealed]	10/1/94-1/1/99	1
135-6(p)	Release of confidential information maintained by Teachers' and state employees' retirement system	10/1/94-Present	1
135-10	Submitting false statements to retirement system for teachers and state employees	10/1/94-Present	1
136-18(5)	Powers of department of transportation; violations	10/1/94-1/1/06	1
136-18(9)	Use of DOT property for commercial use	10/1/94-1/1/06	1
136-18(10)	Erection of telephone, telegraphic, electric, etc.	10/1/94-1/1/06	1

**STATUTE****SHORT TITLE****VALID FOR****MISD.  
CLASS**

136-18(22)	Construction of airport or aircraft landing area	10/1/94-1/1/06	1
136-26	Injury to highway barriers, warning signs	10/1/94-Present	1
136-32	Other than official signs prohibited	10/1/94-Present	1
136-32.1	Misleading signs prohibited	10/1/94-Present	1
136-72	Load limits for bridges	10/1/94-1/1/06	1
136-80	Fastening vessels to bridges	10/1/94-1/1/06	1
136-89	Safety measures for public ferries	10/1/94-1/1/06	1
136-90	Obstructing highways and roads that lead to places of worship	10/1/94-Present	1
136-93	Openings, structures, pipes, trees, on highways	10/1/94-1/1/06	1
136-102.2 & 136-102.3	Test drilling or boring & records filed there with (136-102.4)	10/1/94-1/1/06	1
136-102.6	Compliance of subdivision streets with minimum standards (136-102.6(k))	10/1/94-1/1/06	1
136-125	Scenic easements	10/1/94-1/1/06	1
136-135	Outdoor advertising along the interstate system or primary system	10/1/94-1/1/06	1
136-145	Junkyard near any interstate or primary highway	10/1/94-1/1/06	1
136-192(c)	Obstructing highways; defective crossings; notice; failure to repair after notice	11/17/99-Present	1
136-197	Boarding train by intoxicated person after being forbidden	11/17/99-1/1/06	1
143-32(b)	Person expending an appropriation wrongfully [Repealed]	10/1/94-7/1/07	1
CH 143 Art. 1	Refusal to perform in accordance with Executive budget act; penalties (143-34)	10/1/94-1/1/06	1
143-58.1(a)	Use of public purchase or contract for private benefit (143-58.1(c))	10/1/94-Present	1
143-114	Trustee, director, officer or employee diverting funds (143-115)	10/1/94-Present	1
143-116.8(b2)	Speed to elude arrest in state park or on forest road	1/1/06-Present	1

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CLASS**

143-129	Procedure for letting of public contracts (143-129(b))	10/1/94-Present	1
143-129.1	Withdrawal of lower bid and then becoming subcontractor to the higher bid; public agencies collusion	10/1/94-Present	1
143-143.24	Manufactured home business without license	10/1/94-Present	1
143-151(b)	Knowing and willful violations of Uniform standard codes for manufactured homes (143-151(b)) [Now a felony 8/4/99]	10/1/94-8/4/99	1
143-151.18	False representation as a code-qualified official	10/1/94-Present	1
143-151.36	Building code insulation & energy utilization [Repealed]	10/1/94-8/4/99	1
143-151.50	License required to perform home inspections for compensation or to claim to be a "licensed home inspector" (143-151.59)	1/1/06-Present	2
143-152	Intentional and malicious Injury to water supply of any public institution	10/1/94-Present	1
143-214.2A	Willful Prohibited disposal of medical waste (143-214.2A(c)(1))	10/1/94-Present	1
143-215.6B(I)	False report/false statement involving the Water and Air resources Article or the Environmental management Commission)	1/1/06-Present	2
143-215.6B(i)	Knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required under Article 21 regarding Water and Air Resources.	1/1/06-Present	2
143 215.58(a)	Willful violations of Floodway regulations; penalties	10/1/94-Present	1
143-215.114.B	False report/false statement in proceedings involving the Air Pollution Control Article or the Environmental management Commission	1/01/06-Present	2
143-340(18)	Powers and duties of secretary of administration; violations of rules and regulation for health and safety in an emergency area	10/1/94-1/1/06	1
143-341(8)i.7	Powers and duties of dept. of administration; state owned motor vehicles	10/1/94-1/1/06	1
143-345.1	Use, care, protection, and maintenance of public buildings and grounds	10/1/94-1/1/06	1

**STATUTE****SHORT TITLE****VALID FOR****MISD.  
CLASS**

143-345.14(d)	Willfully refusing to provide petroleum supply data, or willfully supplying false data	1/1/06-Present	2
143-345.2	Disorderly conduct in public buildings and grounds	10/1/94-Present	1
143-354(c)(2)	Powers of the EMC; violations [Repealed]	10/1/94-7/31/08	1
143-355.3	Water shortage emergency powers	3/1/11-Present	1
143-443(b)(6)	Assault, resist, impede, intimidate, or interfere with any State employee while that employee is engaged in the performance of his or her duties under this Article (Pesticide Board).(143-469)	1/1/06-Present	2
143-547(f)	Willfully fail to disclose to the Division of Vocational Rehabilitation Services or its attorney the identity of any person or organization against whom the recipient of assistance has a right of recovery, contractual or otherwise.	10/1/94-Present	1
143-658(b)	Willful violation of any provision of this Article (Regulation of Boxing).	2/20/96-1/1/06	2
143B-181.20(a)	State/regional long-term care ombudsman	10/1/94-Present	1
143B-181.25	State/regional long-term care ombudsman; willful or unnecessary interference	10/1/94-Present	1
143B-450.1(d)	Willful refusal to provide or providing false information to the energy division Authority of the energy division to collect data [Repealed]	10/1/94-9/30/00	1
143B-472.6	Mutual burial association commission; operation w/o authority [Recodified as 90-210.84]	10/1/94-10/1/03	1
143B-472.10	Bylaws of mutual burial association; penalties [Recodified as 90-210.88]	10/1/94-10/1/03	1
143B-472.11	Burial association official to wrongfully induce person to change membership [Recodified as 90-210.89]	10/1/94-10/1/03	1
143B-472.12	Person or burial association official; false and fraudulent entries [Recodified as 90-210.90]	10/1/94-10/1/03	1
143B-472.13	Burial association officials accepting application w/o collecting fee and first assessment [Recodified as 90-210.91]	10/1/94-10/1/03	1
143B-472.15	Free funeral and ambulance, etc. services acting for any burial association; failure to make proper assessments, etc. [Recodified as 90-210.93]	10/1/94-10/1/03	1

**STATUTE****SHORT TITLE****VALID FOR****MISD.  
CLASS**

143B-472.19	Person or burial assoc. official making false or fraudulent statement for any benefit from any burial association [Recodified as 90-210.97]	10/1/94-10/1/03	1
143B-472.97	False Statements; penalty (Small Business Contractor Act) [Expired]	1/1/06-6/30/06	2
143B-1020	Improper, knowing and willful release of information by any person working under the supervision of the director of victims & justice services	10/1/94-Present	2
146-43	Cutting timber on land before obtaining a grant	10/1/94-1/1/06	1
147-9	Unlawful to knowingly pay more than allowance for state mileage	10/1/94-Present	1
147-33.3	Violations of Orders, rules and regulations of the governor during emergency and war	10/1/94-Present	1
147-33.98	Unauthorized use of public purchase or contract procedures for private benefit [Repealed]	1/1/06-9/18/15	1
147-64.7A	Obstruction of audit	1/1/06-Present	2
147-76	Liability for willfully making false entries in the books of the treasurer	10/1/94-Present	1
147-79	Deposits to be secured by treasurer of the state; reports of depositories (147-79(c))public monies	10/1/94-Present	1
147-80	Deposit in banks other than banks selected by treasurer public monies	10/1/94-Present	1
148-45(d)	Aiding escape or attempted escape from prison	10/1/94-Present	1
153A-148.1(a)	Disclosure of tax information (153A-148.1(b)) [Conviction prohibits holding public office for 5 yrs.]	10/1/94-Present	1
153A-224	Failure to provide proper Supervision of local confinement facilities (153A-224(c))	10/1/94-Present	1
153A-225	Medical care of prisoners (153-225(c))	10/1/94-Present	1
153A-334	Transferring lots in unapproved subdivisions	10/1/94-1/1/06	1
153A-356	Willful Failure of the county building inspectors to perform duties	10/1/94-Present	1
153A-357(a)	Building permits required to conform with state building code	10/1/94-1/1/06	1



**STATUTE****SHORT TITLE****VALID FOR****MISD.  
CLASS**

153A-361	Failing to obey Stop orders of building destruction or construction	10/1/94-Present	1
153A-363	Certificates of compliance required once building complete to receive a permit	10/1/94-1/1/06	1
153A-367	Removing notice from condemned building	10/1/94-Present	1
153A-371	Failure to comply with order to take corrective action to make a building safe	10/1/94-Present	1
156-33	Duties of board of county commissioner; refusal to comply with their requirements	10/1/94-1/1/06	1
156-111	Sheriff make monthly settlements with treasurer	10/1/94-1/1/06	1
156-112	Treasurer make payment on the interest and principal of bonds regarding drainage	10/1/94-1/1/06	1
156-114(e)	Conveyance of land; change in assessment roll	10/1/94-1/1/06	1
156-132	Failure of drainage commissioner to file annual report and canal construction accounts	10/1/94-1/1/06	1
157-29.1	Fraudulent misrepresentation (person continues to receive housing assistance not more than \$400)	1/1/06-Present	1
159-34(a)	Conceal, falsify or refuse to divulge information in Annual independent audit of each local government and public authority	10/1/94-Present	1
160A-80(b)	Governing board of a city; willfully swearing falsely under oath	10/1/94-Present	1
160A-208.1(a)	Disclosure of tax information (160A-208.1(b)) [Conviction prohibits holding public office for 5 yrs.]	10/1/94-Present	1
160A-375	Transferring lots in unapproved subdivisions	10/1/94-1/1/06	1
160A-388(f)	Board of adjustment of zoning; willfully swearing falsely under oath	10/1/94-Present	1
160A-416	Willful Failure of building inspection department to perform duties	10/1/94-Present	1
160A-417(a)	Permits for building; compliance w/state building code	10/1/94-1/1/06	1
160A-421(d)	Failure to obey Stop orders with regard to building construction	10/1/94-Present	1
160A-423	Certificates of compliance with building code; prerequisite to receiving permit	10/1/94-1/1/06	1
160A-427	Removing notice from condemned building	10/1/94-Present	1

**STATUTE****SHORT TITLE****VALID FOR****MISD.  
CLASS**

160A-431	Failure to comply with building order of the city council	10/1/94-Present	1
160A-443(4)	Repair, closing, occupation and demolition; order of public officer	10/1/94-Present	1
161-22(i)	Index of registered instruments (161-22(i))	10/1/94-1/1/06	1
161-27	Register of deeds failing to discharge duties	10/1/94-Present	1
162-55	Injury to prisoner by jailer	10/1/94-Present	1
163-82.6	Voter registration, failure to deliver delegation	1/1/06-Present	2
163-152(e)	Assistance to voters in primaries and general elections [Repealed]	10/1/94-1/1/02	2
163-155	Aged and disabled persons allowed to vote outside voting enclosure [Repealed]	10/1/94-1/1/02	2
163-171	Preservation of ballots; locking and sealing ballot boxes; signing certificates [Repealed]	10/1/94-1/1/02	2
163-173	Precinct returns [Repealed]	10/1/94-1/1/02	2
163-177	Disposition of duplicate voting abstracts [Repealed]	10/1/94-1/1/02	2
163-221	Persons may not sign name of another to petition (163-221(c))	10/1/94-Present	2
163-236	Willful Violations by chairman of county board of elections	10/1/94-Present	2
163-237(a)	Certain violations of absentee ballot law; false statement under oath	10/1/94-Present	2
163-237(b)	Violations of absentee ballot law; false statement not under oath	10/1/94-Present	2
163-237(c)	Violations of absentee ballot law; fraud	10/1/94-Present	M
163-237(d)	Willful Violations of absentee ballot law; others	10/1/94-Present	2
163-269	Violations by corporations making political contribution [Repealed]	10/1/94-5/4/99	2
163-270	Using funds of insurance companies for political purposes [Repealed]	10/1/94-5/4/99	2
163-271	Intimidation of voters by officers	10/1/94-Present	2
163-273(a)	Offenses of voters; interference with voters	10/1/94-Present	2
163-274	Unlawful action of persons acting in connection with primary or election	10/1/94-Present	2

**STATUTE****SHORT TITLE****VALID FOR****MISD.  
CLASS**

163-278.7	Failure to appoint political treasurer (163-278.27)	10/1/94-Present	2
163-278.13	Limitation on campaign contributions (163-278.27)	10/1/94-Present	2
163.278.13A(d)	No fund-raising from lobbyists; general assembly in Session (163-278.13A(d)) [Repealed]	10/1/94-1/1/98	2
163-278.19(a)&(c)	Violations of election laws by corporations, business entities, labor unions, professional associations, and ins. companies	10/1/94-Present	2
163-278.20	Disclosure b/f soliciting campaign contrib. (163-278.20(b)) [Repealed]	10/1/94-1/1/07	2
163-278.39(c)	Misrepresentation of authority (basic disclosure requirements for all political campaign advertisements)	1/1/06-Present	1
163-278.44	Willful and intentional violations of Article regulating Appropriations from the political parties financing fund [Repealed]	10/1/94-7/1/13	2
	Common law misdemeanor	2/20/96-Present	1 or A1

### **Patrick Oliver, Ph.D. Professor/ Consultant/ Retired Police Chief**

Patrick Oliver is the Director of the Criminal Justice Program at Cedarville University. He has served as chief of police for the cities of Fairborn, Grandview Heights, and Cleveland, Ohio, and the ranger chief of Cleveland Metropolitan Park District. He has a Bachelor of Arts in Criminal Justice, a Master's in Business Administration, and Ph.D. in Leadership and Change. He serves as a consultant and trainer with the International Association of Chiefs of Police, the National Organization of Black Law Enforcement Executives, and the Ohio Association of Chiefs of Police. He is also a past commissioner for the Commission on Accreditation for Law Enforcement Agencies, a past president for the Ohio Association of Chiefs of Police, and a Peer Reviewer in Higher Education for the Higher Learning Commission. He is the founder and Director of the Chief Executive Officers Mentoring Program for the National Organization of Black Law Enforcement Executives. He is a graduate of Penn State University Police Executive School, FBI's Law Enforcement Executive Development School, and Ohio Association Chiefs of Police Executive Leadership College. Patrick is a Certified Law Enforcement Executive (CLEE). He is also a graduate of the rural Executive Management Institute. Patrick authored the book, *Recruitment, Selection, and Retention of Law Enforcement Officers* published by Looseleaf Law Publications Inc.

2014

# Recruitment, Selection & Retention of Law Enforcement Officers

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# Recruitment, Selection & Retention of Law Enforcement Officers

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Chapter 1  
**Selection Criteria for Law  
Enforcement Officers**

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### **Why Hiring is Critical**

In the twenty-first century, law enforcement agencies face the great challenge of hiring the contemporary law enforcement officers in a market that appears to have a diminishing number of qualified candidates.

- What knowledge, skills, abilities, behavior, and traits should agencies seek?
- How do we determine what these qualities are?
- Have our needs changed?
- Is the candidate pool changing?
- How do we effectively develop and implement a recruitment plan?
- How do we structure our selection process and why?
- What are the key issues in law enforcement officer retention?

The hiring of a law enforcement officer is the single most important function of any law enforcement agency. The officers hired provide the service to our community members. The quality of all law enforcement service is reduced to the officer(s) our community member(s) are dealing with. No amount of organization or equipment will replace the human relation skills of the individual officer. Selecting the best candidates in the marketplace is paramount. It is primarily the officers hired at entry level that become the future managers for an agency. The quality of the individuals you hire will determine the quality of the organization. If the officers in your organization are not competitive in the law enforcement profession, how can your organization be competitive in the law enforcement profession? The single most important task of a law enforcement chief executive officer (CEO) is hiring people. Therefore, the CEO should be directly involved in the hiring process and treat it as a priority. Whoever controls the hiring process controls the effectiveness of the law enforcement agency. If CEOs are too busy to become involved in the hiring process, then they are just too busy.

It is the people who obtain the results and accomplish the mission of any agency. People are the most important resource in any organization. This fact is acknowledged by everyone, is not denied by anyone, written about by many, but practiced by very few agencies.

## **Successful Law Enforcement Officer Traits**

Most law enforcement agencies have a multi-step hiring process that contains between six to twelve components from a written exam to a pre-employment physical examination. The components of the hiring process in many agencies have not changed in decades, even though the type of officer desired has changed. The first step in identifying the selection criteria for the law enforcement officers at your agency is to identify essential job functions, successful job-related behaviors and traits. In 1999 I was awarded a grant as the project director to conduct a study on the hiring of law enforcement officers within the State of Ohio. Approval of the grant was given to do a pilot study of five Ohio law enforcement agencies to evaluate the process and potential effectiveness of the hiring process for law enforcement officers. The five law enforcement agencies selected were of different sizes and types.

The following Ohio law enforcement agencies participated in this study: Ohio State Highway Patrol; Columbus Division of Police; The Ohio State University Police Department; Montgomery County Sheriff's Department; and the Zanesville Police Department. The diversity of agencies was for the purpose of making recommendations regarding the selection of law enforcement officers, which could apply to all law enforcement agencies in the United States. The 1999 - 2000 Ohio Law Enforcement Foundation Research Study grant for hiring law enforcement officers identified 12 common traits desired by law enforcement agencies regardless of agency size or type. Job analysis survey instruments used at five different Ohio law enforcement agencies indicated that these traits are desirable to varying degrees for all of these agencies.

The Ohio Law Enforcement Research Study indicated that the following traits are desirable for law enforcement officers. These traits are viewed to be foundational, and therefore, in your selection criteria it is recommended that these knowledge, skills, abilities, behaviors, and traits be considered for validation:



**Integrity:** The candidate has high moral and ethical standards and possesses integrity in all matters, public, and private.

**Human Diversity Skills:** The candidate has the ability to act in an unbiased manner and must have an understanding of human diversity issues demonstrating cultural competency.

**Service Orientation:** The candidate has a service orientation: a desire and commitment to service above self.

**Team Compatibility:** The candidate has a team orientation. The candidate has the ability to work with others in a cooperative, caring, and supportive manner to achieve goals of the group.

**Oral Communication Skill:** The candidate has the ability to communicate well orally. The candidate is a good listener and can clearly transmit thoughts and ideas to others.

**Written Communication Skill:** The candidate has the ability to communicate well in writing and the ability to convey an idea, concept, or information in a clear, concise, and appropriate format.

**Motivation:** The candidate has the ability to be highly motivated while working independently.

**Decision-Making:** The candidate has the ability to be a good decision maker and problem solver.

**Human Relations Skill:** The candidate has the ability to interact with people, effectively demonstrating good human relation skills.

**Self-Control:** The candidate has the ability to maintain self-control under stressful circumstances. Self-discipline is critical to responding properly.

**Planning and Organizing Skill:** The candidate has planning and organizing skills.

**Performance Driven:** The candidate is performance driven and has the desire and motivation to be successful in achieving group and individual goals.

## The Five Most Important Traits

After completing this law enforcement hiring study in 2000, I had the opportunity of presenting the findings approximately 20 times over the next four years to about 2,000 law enforcement officers from the United States and Canada. These groups contained officers from local, state, and federal law enforcement agencies. In those presentations of the study, there was never an occasion in which any law enforcement official or administrator ever indicated (after being asked) that any one of these twelve traits did not apply to law enforcement officers at their agency. This is not to suggest that these traits should not be validated through a job task analysis. It is only to suggest that they are highly recommended to be considered for evaluating in a law enforcement job. Of these twelve traits there are five that are the most important. They all have value but I suggest these five are the most essential to screen for in a law enforcement officer job. When selecting for a law enforcement officer you are hiring an entry-level leader. If I was to summarize what all law enforcement agencies are looking for in one word, it is "leadership." I certainly understand that this is an overused word that has been highly researched and written about. However, it does provide the essence of what law enforcement agencies are looking for. I believe it also describes what the "military academies" and "Ivy league" schools are also seeking in their students. Here they are in what I would consider their order of importance.

It should be no surprise that **Integrity** is the most important. An American peace officer has more power and authority than any other job I can think of in our society. A peace officer can issue a verbal warning, a written warning, a citation (which is a summons to appear in court at a later time), make an arrest, make an arrest with force, can make an arrest with deadly force. Each one of these acts of law enforcement intervention may be deemed legal. A mayor, judge, congressman, or the president of the United States cannot do this. With this tremendous amount of authority comes the responsibility to be a man or woman of high moral character. The

peace officer wears the badge of trust, which is a privilege and not a right, reserved only for those who serve with honor.

Second is the trait of **Service**. Service is what is sold in the profession of law enforcement. Approximately 80 percent of the job is service and 20 percent of it is enforcement. This is true at a major city P.D. or a small town P.D. Community service is what is being most provided to residents, businesses, and visitors of the community. Helping, assisting, and guiding hurt people is a skill that is invaluable in a profession that operates 24 hours a day, as the most visible part of government. It is truly a helping profession.

Third is the trait of effective **Human Relations Skills**. The job of a law enforcement officer is meeting and dealing with people. A law enforcement officer is someone who has to go into a negative situation and attempt to leave people with something positive. If this is done properly then one leaves people better than they found them. If a person gets tired of people, or is easily frustrated with people, or is not caring and compassionate, he or she is not suited for law enforcement. There are many times law enforcement officers are dealing with people at their worst. It takes great human relations skills to manage conflict or problems in a patient, caring, and professional manner.

Fourth is the trait of **Team Compatibility**. Law enforcement agencies operate on the concept of team. This requires that the goals of the individual are subordinate to the goals of the team or organization. A peace officer must come in early, stay late, be on call, work weekends, evenings, nights, and holidays. This takes a team player who understands that a law enforcement agency is a service profession operating 24 hours a day for the benefit of the community. This person also understands that by accepting employment they agreed to do whatever needs to be done as long as it is legal or ethical with a positive mental attitude. They have made an individual commitment to the organization's success.

Fifth is the trait of being **Performance Driven**. Law enforcement officers generally work independently. It is a job that requires people who want to be the best they can be. The only real competition they face is being their best. They are involved daily in self-initiated activity. These individuals are serving the community other than the times when they get a call for service. They set and achieve individual and professional goals to become better tomorrow than

they were yesterday. They are contributors to the organization's standard of excellence.

## **The Value of Emotional Intelligence**

You might summarize these five key traits as being "character centered." A law enforcement agency should do character-based hiring. The United States Community Oriented Policing Service several years ago labeled this philosophy as hiring in the "spirit of service." This federally funded project recommended that each agency prior to hiring identify a common core of "service-oriented" traits because the job emphasizes service more than enforcement (Scrivner, 2004). These five traits are indicative of an officer's emotional intelligence (EQ) versus their intelligence quotient (IQ). There has been much written about emotional intelligence over the last several decades. Emotional Intelligence is defined as the intelligent management of your emotions (Goleman, Boyatzis, & McKee, 1999). Policing, more than other professions, demands that officers bring intelligent emotions to bear, especially when responding to calls for service involving conflict among people. It is helpful to understand that for all jobs that exist in the world EQ is more important than IQ (Goleman, 1995). Individuals hired in law enforcement should have the mental horsepower to do the job. However, beyond having the required level of intelligence (IQ), it is one's emotional intelligence that mostly contributes to job effectiveness.

Goleman indicated (1995) it is well known in psychology that grades, IQ or SAT scores, despite their popular mystique, do not predict unerringly who will succeed in life. At best it is estimated that IQ contributes about 20% to the factors that determine success in life, which leaves 80% to other forces. The ability to excel academically does not indicate how one reacts to the vicissitudes of life.

There are four domains that together constitute emotional intelligence. The first two are self-awareness and self-management, which are skills reflective of the individuals (personal competence). Self-awareness is your ability to perceive your emotions in the moment and effectively understand them across situations. Self-management is your ability to use your awareness to stay flexible to respond with positive behaviors to people and situations. The other two domains are social awareness and relationship management,

which indicate how you relate to other people (social competence). Social awareness is your ability to discern the emotions of other people to effectively understand their perspective. Relationship management is the use of the first three emotional intelligence skills to manage human interactions effectively. To expand on this understanding, intelligence quotient (IQ) and emotional intelligence (EQ) and personality are three distinct qualities we all possess. Intelligence is your ability to learn, and does not change throughout your life (not flexible). Emotional intelligence is a flexible skill that is learnable. There is no connection between EQ and IQ. It is not possible to predict one based on the other. An individual may be intelligent but not emotionally intelligent, and people of all types of personalities can be high in EQ and/or IQ. Personality is the style that defines you. It is based on your preferences such as an inclination toward extroversion or introversion. Of these three, emotional intelligence is the only attribute that is flexible and changeable (Bradberry & Greaves 2005). I like to think of it this way; it's not how smart you are it's how you are smart. In the service-oriented profession of law enforcement, requiring men and women of character, agencies need to focus on the qualities that produce job related effectiveness. How do you evaluate a law enforcement candidate for these qualities? You must screen for them in several of the components of the selection process. Chapter 12 on oral interviews discusses how to do behavioral-based interviewing to select for these qualities.

### **Evaluating the Law Enforcement Officer Job at Your Agency**

The 12 traits represent a comprehensive list of qualities desired for all law enforcement officers. The list of qualities your agency requires may include additional traits. To determine what these additional traits are requires conducting a job analysis for the entry-level law enforcement officer. This job analysis entails reviewing, at a minimum, the following information at your agency: the mission statement; core values of the agency; agency goals; job description for a law enforcement officer; community needs survey information; interviews and/or focus groups with individuals in the target job; interviews and/or focus groups with individuals who manage and oversee the target job (all levels of management are ideal), as well as community members and reviewing any previous job task analysis

information if available. The addition of this information helps evaluate the list of traits and qualities desirable for law enforcement officers in your agency. Chapter 2 on Job Task Analysis provides some fundamental guidelines on this critical step of defining the job.

The qualities desired for law enforcement officers today have certainly changed. If you doubt this, then ask yourself if the job of law enforcement officers has changed in the last ten years in your community. Will the job probably be different in the future? I believe the answer to both of these questions is “yes.” The important question is: Has the criteria your agency utilizes for selecting a law enforcement officer changed? The starting place is to determine what the knowledge, skills, abilities, education, behaviors, and traits are desired for someone who effectively performs the job.

The development of a flexible profile of a contemporary law enforcement officer is critical to designing the recruitment and selection process.

### **Is the Candidate Pool Changing?**

Is the candidate pool changing for law enforcement candidates? (Cole, Smith, & Lucas, 2002) I believe the answer is a resounding, yes! In research done by Arkansas Tech University, authors Cole, Smith & Lucas indicate certain characteristics among younger generations. There is an observable shift in many new generation law enforcement candidates. While there are some exceptions, some of these debatable changes include the following:

- Work is not a big part of their lives.
- Focus on lifestyle first, then work to support it.
- Less family stability.
- Want to have a direct “say” in how their work is done.
- General lack of a military background.
- They have a more global outlook, and
- Less flexibility to administrative requirements.

Candidates seem to have:

- More education— *Are they more intelligent?*
- Greater appreciation of diversity.
- More access to physical training equipment and expertise— *Are they in better or worse physical condition?*

- More technological abilities.
- More career options.

The change in the candidate pool of qualified law enforcement applicants dictates that law enforcement agencies evaluate and modify their methods of recruitment and selection of candidates on a periodic basis.

The chart that follows compares and contrasts the value of knowledge, skills, and abilities (KSAs), (generally IQ) and personal behaviors and traits (EQ). In the profession of law enforcement when officers are disciplined, suspended, or terminated is it because of a lack of technical abilities or skills, or is it because of negative behaviors or traits displayed on or off the job? The vast majority of times job actions are based on negative behaviors and traits. Because this is the case, why don't we screen and select for positive behaviors and traits? It is important to both eliminate candidates unsuitable for the job and identify candidates most suitable for the job. As you study this chart to comprehend its message, please note that the ability to do KSAs does not equal the desire to do. Just because someone has certain technical skills and abilities does not mean they are willing to use them effectively for the benefit of an organization.

**Knowledge, Skills, & Abilities and Behaviors & Traits**

<b>KNOWLEDGE, SKILLS, &amp; ABILITIES</b> <i>[ability to do]</i>	<b>VS. BEHAVIORS &amp; TRAITS</b> <i>[desire to do]</i>
Easier to teach or train	Difficult or impossible to teach or train
Acquired post-hire	Acquired pre-hire
By itself, leads to moderate performance at best	Plus KSAs will take an individual from moderate to excellent performance
Causes few disciplinary problems	Causes most of the disciplinary problems
Results in few employment terminations	Results in most employment terminations
Over-emphasized in its value in the selection process of job candidates	Under-emphasized in its value in the selection process of job candidates
Based on research contributes at most 20 percent to job performance	Based on research contributes approximately 80 percent to job performance

In their book, *The Emotional Intelligence Quick Book*, the authors Bradberry and Greaves, indicate that the concept of emotional intelligence can explain why two people of the same IQ can attain vastly different levels of success in life. You cannot predict emotional intelligence based on how smart someone is, this is good news because cognitive intelligence or IQ, is not flexible. Intelligence is your ability to learn, and it's the same at age ten as it is at age 60. Emotional intelligence conversely is a flexible skill that is learnable.

*“Consistent with the principles of emotional intelligence, behaviors and traits, which are indicative of emotional intelligence (EQ), are more important for the entry level law enforcement job than knowledge, skills, and abilities, which are indicative of intelligence quotient (IQ).”*  
 – Patrick Oliver

## **Recommendations and Key Points for Law Enforcement Officer Selection Criteria**

- The market for law enforcement officers appears to have a diminishing number of qualified candidates.
- The hiring of a law enforcement officer is the single most important function of any law enforcement agency.
- The quality of service provided in law enforcement is reduced to the quality of the officers.
- The chief executive officer of a law enforcement agency must give priority to the task of hiring.
- The Ohio Law Enforcement Foundation Research Study identified 12 traits desired by law enforcement agencies regardless of agency size or type.
- There are five of the 12 traits that are the most important qualities to screen for, of which integrity is the most important.
- It is recommended that a law enforcement agency do “character-based hiring.”
- One’s intelligence quotient and emotional intelligence both contribute to job performance. However, for all jobs EQ is more important than IQ for determining job performance.
- IQ is fixed and unchangeable, while EQ is learnable and changeable.



- To determine the attributes desired for a law enforcement officer at a specific agency, a job task analysis must be conducted.
- The change in the applicant pool dictates that law enforcement agencies evaluate and modify their methods of recruitment and selection on a periodic basis.
- The ability to perform effectively in a job does not equal the desire to be effective in a job.