

# PROPOSED RULE AMENDMENTS

## Public Hearing:

*February 15, 2017 – 10:30 am*

## Full Commission Vote:

*February 17, 2017 – 9:00 am*

**Wake Technical Community College  
Public Safety Training Center  
321 Chapanoke Rd.  
Raleigh, NC 27603**

**Instructions for Oral and Written Comments:** The objection, reasons for the objection, and the clearly identified portion of the rule to which the objection pertains, must be submitted in writing to:

Trevor Allen  
Department of Justice  
Criminal Justice Standards Division  
PO Drawer 149  
Raleigh, NC 27602



**Title:** BLET Minimum Student Enrollment; DAC Moral Character; RLEOF  
**Agency:** Criminal Justice Education and Training Standards Commission  
**Contact:** Trevor Allen (919) 779-8205  
**Impact Summary:** State Government: No  
Local Government: No  
Substantial Impact: No  
Small Business: No

**12 NCAC 09B .0204: TRAINING COURSE ENROLLMENT**  
**12 NCAC 09G .0206: MORAL CHARACTER**  
**12 NCAC 09H .0102: MINIMUM TRAINING SPECIFICATIONS**  
**12 NCAC 09H .0105: FILING AND FEES**

¶ **Statutory authority for the rule change:** G.S. 14-415.10; 14-415.2; 14-415.25; 14-415.26 17C-6; 17C-10; 153A-217

¶ **Amendment:** At the August 12, 2016 quarterly meeting, the Criminal Justice Education and Training Standards Commission proposed amendments to these rules in order to:

- Revise the process for obtaining and renewing a Retired Law Enforcement Officer Firearm certification; clarify the Division form required for application;
- Provide a minimum student waiver process for schools unable to enroll ten (10) students in the Basic Law Enforcement Training program; and
- Further define the conditions that evidence good moral character for prospective Probation/Parole and Corrections Officers.

¶ **State Impact:** None

**Local Government Impact:** None

¶ **Substantial Economic Impact:** No

¶ **Small Business Impact:** No

*\*Rules begin on the following page*

1 12 NCAC 09B .0204 is proposed for amendment as follows:

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3 12 NCAC 09B .0204 TRAINING COURSE ENROLLMENT

4 (a) Any school offering a Basic Law Enforcement Training Course shall have enrolled 10 trainees in the offering.

5 (b) Any school may make written request to the Director of the Standards Division to deliver the Basic Law Enforcement  
6 Training Course with no fewer than 8 enrolled trainees. The written request shall include a summary of the efforts the  
7 school has made to notify its respective community of the availability of the course, and the reasons supporting the  
8 school's need to enroll fewer than 10 trainees.

9 ~~(b)~~(c) The school may not enroll any trainee later than the initial day of delivery of a certified training course unless the  
10 trainee's enrollment is pursuant to an authorization of limited enrollment in a subsequent course pursuant to Rule .0405 of  
11 this Subchapter or pursuant to prescribed supplementary or remedial training required pursuant to Rule .0402 of this  
12 Subchapter.

13 ~~(e)~~(d) The school may not enroll more than 16 trainees in a presentation of the "Criminal Justice Instructor Training  
14 Course" as constituted under Rule .0209 of this Section.

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16 *History Note: Authority G.S. 17C-6;*

17 *Eff. January 1, 1981;*

18 *Amended Eff. August 1, 2005; August 1, 2000; January 1, 1985; November 1, 1981.*

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1 **12 NCAC 09G .0206** is proposed for amendment as follows:

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3 **12 NCAC 09G .0206 MORAL CHARACTER**

4 Every person employed as a correctional officer or probation/parole officer by the Department of Public Safety,  
5 Division of Adult Correction and Juvenile Justice shall demonstrate good moral character as evidenced by the  
6 following:

- 7 (1) not having been convicted of a felony;
- 8 (2) not having been convicted of a misdemeanor as defined in 12 NCAC 09G .0102(9) for three years  
9 or the completion of any corrections supervision imposed by the courts whichever is later;
- 10 (3) not having been convicted of an offense that, under 18 U.S.C. 922 (1996), which is hereby  
11 incorporated by reference and all subsequent amendments  
12 (<http://www.gpo.gov/fdsys/pkg/USCODE-2011-title18-part1-chap44-sec922.pdf>), would prohibit  
13 the possession of a firearm or ammunition;
- 14 (4) having submitted to and produced a negative result on a drug test within 60 days of employment  
15 or any in-service drug screening required by the Department of Public Safety, Division of Adult  
16 Correction and Juvenile Justice that meets the certification standards of the Department of Health  
17 and Human Services for Federal Workplace Drug Testing Programs. A list of certified drug  
18 testing labs that meet this requirement may be obtained, at no cost, at  
19 [http://workplace.samhsa.gov/DrugTesting/Level\\_1\\_Pages/CertifiedLabs.html](http://workplace.samhsa.gov/DrugTesting/Level_1_Pages/CertifiedLabs.html).
- 20 (5) submitting to a background investigation consisting of the following:
- 21 (a) verification of age;
- 22 (b) verification of education; and
- 23 (c) criminal history check of local, state, and national files; and
- 24 (6) being truthful in providing information to the Department of Public Safety, Division of Adult  
25 Correction and Juvenile Justice and to the Standards Division for the purpose of obtaining  
26 probationary or general certification.
- 27 (7) not having pending or outstanding criminal charges which, if convicted of, would disqualify the  
28 applicant from holding such certification, pursuant to this Subchapter; and
- 29 (8) Any conduct that brings into question the truthfulness or credibility of the officer, reflects poorly  
30 on the officer's profession, or conduct that involved "moral turpitude." "Moral Turpitude" is  
31 conduct that is contrary to justice, honesty, or morality. This conduct could include but is not  
32 limited to conduct as defined in: re Willis, 299 N.C. 1, 215 S.E. 2d 771 appeal dismissed 423 U.S.  
33 976 (1975); in re State v. Harris, 216 N.C. 746, 6 S.E. 2d 854 (1940); in re Legg, 325 N.C. 658,  
34 386 S.E. 2d 174(1989); in re Applicants for License, 143 N.C. 1, 55 S.E. 635 (1906); in re  
35 Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E. 2d 647  
36 (1983); and their progeny.

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1 *History Note: Authority G.S. 17C-6; 17C-10;*  
2 *Temporary Adoption Eff. January 1, 2001;*  
3 *Eff. August 1, 2002;*  
4 *Amended Eff. January 1, 2015; June 1, 2012; April 1, 2009; August 1, 2004.*  
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8.12.16

1 12 NCAC 09H .0102 is proposed for amendment as follows:

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3 12 NCAC 09H .0102 MINIMUM TRAINING SPECIFICATIONS

4 (a) Each qualified retired law enforcement officer must qualify with each handgun he/she will carry in accordance with  
5 the standards outlined in 12 NCAC 09E ~~.0105(1)~~ .0105(a)(1) and 12 NCAC 09E .0106(a), (c), (e), (f) and (g), which  
6 shall be incorporated in classroom instruction and firearms qualification on the firing range utilizing the course of fire  
7 from the "Specialized Firearms Instructor Training Manual."

8 (b) In addition to the standards set out in Rules 09E .0105 and ~~.0106~~, .0106 of this Chapter, each qualified retired law  
9 enforcement officer shall also receive a minimum of two hours of instruction on the North Carolina laws of self defense  
10 and the use of force by private citizens, detention of persons by private persons, and assistance to law enforcement  
11 officers by private persons.

12 (c) Individuals meeting the requirements pursuant to Paragraphs (a) and (b) of this Rule, and who have submitted an  
13 application to the Commission and have met the requirements of Rule .0105 of this Subchapter, shall be certified for a  
14 period of 12 months from the date the application is approved by the Commission. Upon application for renewal the  
15 certification may be renewed by the Commission for 12 month periods, provided the qualified retired law enforcement  
16 officer meets the requirements specified in this Subchapter.

17 ~~(e)(d)~~ Qualified retired law enforcement officers shall qualify with each handgun that will be carried concealed at least  
18 once ~~every 12 months~~ during each certification period. ~~For the purpose of this Rule, handgun shall include semi-~~  
19 ~~automatic pistols or revolvers.~~

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22 *History Note: Authority G.S. 17C-6; 14-415.10; 14-415.25; 14-415.2;*  
23 *Eff. May 1, 2009.*

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1 **12 NCAC 09H .0105 FILING AND FEES**

2 Each applicant for firearms qualification certification under the Qualified Retired Law Enforcement Officers Firearms  
3 Qualification Certification Program shall submit the following to the Commission:

- 4 (1) ~~An original Commission-approved~~ A Commission application form (Form F-9R) containing the  
5 applicant's notarized signature which attests that the applicant meets the definition of qualified retired  
6 law enforcement officer set forth in G.S. 14-415.10 and is eligible to receive or possess firearms under  
7 federal and state law. ~~The application form~~ Form F-9R, available on the agency's website at  
8 <http://www.ncdoj.gov/getdoc/23af3614-2aa2-4416-bbae-25cbe9441e06/1F-9R-8-09.aspx>, ~~must also~~  
9 shall include the signature of a Commission certified Specialized Firearms Instructor attesting that the  
10 applicant has met the training and qualification standards as specified in Rule 09H .0102 and lists the  
11 handguns with which the qualified retired officer qualified;
- 12 (2) A copy of the qualified retired officer's photographic identification indicating retirement status issued  
13 by the law enforcement agency from which the applicant retired; and
- 14 (3) A fee of fifty dollars (\$50.00) for the initial one-year qualification and a fee of twenty-five dollars  
15 (\$25.00) for the annual renewal thereafter. Applications and fees shall be submitted to:

16 Criminal Justice Standards Division  
17 North Carolina Department of Justice  
18 Post Office Drawer 149  
19 Raleigh, NC 27602.

20 All fees shall be paid by certified check or money order made payable to the North Carolina Department of  
21 Justice.

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23 *History Note: Authority G.S. 17C-6; 14-415.10; 14-415.25; 14-415.26;*  
24 *Eff. April 1, 2009.*  
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