

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 976

Short Title: Law Officers' Qualifications.

(Public)

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Sponsors: Senator Speed.

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Referred to: Veterans Affairs, Law Enforcement & Senior Citizens.

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April 19, 1989

A BILL TO BE ENTITLED

AN ACT REGARDING MINIMUM STANDARDS OF LAW ENFORCEMENT OFFICERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 17C-10 reads as rewritten:

"(a) Criminal justice officers shall not be required to meet any requirement of subsections (b) and (c) of this section as a condition of continued employment, nor shall failure of any such criminal justice officer to fulfill such requirements make him ineligible for any promotional examination for which he is otherwise eligible if the criminal justice officer held a permanent appointment prior to September 1, 1983, and is an officer, supervisor or administrator of a local confinement facility; prior to March 15, 1973, and is a sworn law enforcement officer with power of arrest; prior to January 1, 1974, and is a State adult correctional officer; prior to July 1, 1975, and is a State probation and parole officer; or prior to July 1, 1974, and is a youth correctional officer. The legislature finds, and it is hereby declared to be the policy of this Chapter, that such criminal justice officers have satisfied such requirements by their experience. It is the intent of the Chapter that all criminal justice officers employed at the entry level after the Commission has adopted the required standards shall meet the requirements of this Chapter. If any criminal justice officer exempted from the required standards by this provision fails to serve as a criminal justice officer for a 12-month period, said officer shall be required to comply with the required standards established by the Commission pursuant to the authority otherwise granted in this section.

Notwithstanding the provisions of this section, the following persons are exempt from the experience, training and education standards set by the Commission:

- 1           (1) A person who has been employed in security and has been appointed a  
2           special policeman by the Governor or Attorney General;
- 3           (2) A person who has served as a sheriff for eight years or more;
- 4           (3) A person who has served as a chief deputy sheriff for eight years or  
5           more;
- 6           (4) A person who has served as a police officer in the rank of lieutenant or  
7           above for eight years or more;
- 8           (5) A person who has served as a Highway Patrol officer in the rank of  
9           sergeant or above for eight years or more;
- 10          (6) A person who has served as a State Bureau of Investigation officer for  
11          eight years or more;
- 12          (7) A person who has served as a Federal Bureau of Investigation officer  
13          for eight years or more; and
- 14          (8) Any other officer in State or federal agencies with powers of arrest  
15          equal to the powers of any of the above, who has served for eight years  
16          or more.

17          (b) The Commission shall provide, by regulation, that no person shall be appointed as  
18 a criminal justice officer at entry level, except on a temporary or probationary basis,  
19 unless such person has satisfactorily completed an initial preparatory program of  
20 training at a school certified by the Commission. Upon separation of a criminal justice  
21 officer from a criminal justice agency within the year of temporary or probationary  
22 appointment, the probationary certification shall be terminated by the Commission.  
23 Upon the reappointment to the same agency or appointment to another criminal justice  
24 agency of an officer who has separated from an agency within the year of probation, the  
25 officer shall be charged with the amount of time served during his initial appointment  
26 and allowed the remainder of the one year probationary period to complete the basic  
27 training requirement. Upon the reappointment to the same agency or appointment to  
28 another agency of an officer who has separated from an agency within the year of  
29 probation and who has remained out of service for more than one year from the date of  
30 separation, the officer shall be allowed another one-year period to satisfy the basic  
31 training requirement. Any criminal justice officer appointed on a temporary or  
32 probationary basis who does not comply with the training provisions of this Chapter  
33 within one year shall not be authorized to exercise the powers of a criminal justice  
34 officer and shall not be authorized to exercise the power of arrest. If, however, a  
35 criminal justice officer has enrolled in a Commission approved preparatory program of  
36 training that concludes later than the end of the officer's probationary period, the  
37 Commission may extend, for good cause shown, the probationary period for a period  
38 not to exceed six months.

39          (c) In addition to the requirements of subsection (b) of this section, the  
40 Commission, by rules and regulations, shall fix other qualifications for the employment  
41 and retention of criminal justice officers including minimum age, education, physical  
42 and mental standards, citizenship, good moral character, experience, and such other  
43 matters as relate to the competence and reliability of persons to assume and discharge  
44 the responsibilities of criminal justice offices, and the Commission shall prescribe the

1 means for presenting evidence of fulfillment of these requirements. When a person  
2 presents competent evidence that he has been granted an unconditional pardon, to  
3 include but not be limited to a pardon of forgiveness, for a crime in this State, any other  
4 state, or the United States, the Commission shall not deny, suspend, or revoke that  
5 person's certification based solely on the commission of that crime or an alleged lack of  
6 good moral character due to the commission of that crime.

7 Where minimum educational standards are not met, yet the individual shows  
8 potential and a willingness to achieve the standards by extra study, they may be waived  
9 by the Commission for the reasonable amount of time it will take to achieve the  
10 standards required.

11 (d) The Commission may issue a certificate evidencing satisfaction of the  
12 requirements of subsections (b) and (c) of this section to any applicant who presents  
13 such evidence as may be required by its rules and regulations of satisfactory completion  
14 of a program or course of instruction in another jurisdiction equivalent in content and  
15 quality to that required by the Commission for approved criminal justice education and  
16 training programs in this State.

17 (e) A criminal justice officer previously certified as provided by this section who  
18 has had a minimum of two years' experience as a full-time sworn law enforcement  
19 officer in North Carolina and who separated in good standing from a criminal justice  
20 agency and has remained out of service for more than one year shall be granted  
21 certification upon successful completion of a commission-accredited refresher training  
22 course. No more than half of the hours required in a commission-accredited basic  
23 training course shall be required in the refresher training course for recertification."

24 Sec. 2. G.S. 17C-6(a) is amended by adding a new subdivision to read:

25 "(14) Establish minimum education and training standards for recertification  
26 of a criminal justice officer as provided in G.S. 17C-10(e). A refresher  
27 course for recertification shall be developed by the Commission and  
28 shall require no more than half of the hours required in a commission-  
29 accredited basic training course."

30 Sec. 3. This act is effective upon ratification.