

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 422

Short Title: Sheriffs' Commission Changes.

(Public)

Sponsors: Senator Perdue.

Referred to: Veteran and Military Affairs, Law Enforcement, and Senior Citizens.

April 1, 1991

A BILL TO BE ENTITLED

AN ACT TO MAKE CLARIFYING CHANGES TO THE LAWS CONCERNING
THE SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 17E-2 reads as rewritten:

"§ 17E-2. Definitions.

Unless the context clearly requires otherwise, the following definitions apply to this Chapter:

- (1) 'Commission' means the North Carolina Sheriffs' Education and Training Standards Commission.
- (2) 'Office' or 'department' means the sheriff of a county, ~~elected by the people as required by the Constitution,~~ his deputies, his employees and such equipment, space, provisions and quarters as are supplied for their use.
- (3) 'Justice officer' or 'law-enforcement officer' means a person who, through the special trust and confidence of the ~~elected~~ sheriff of the county, has taken the oath of office prescribed by Chapter 11 of these statutes as a peace officer in the office of a sheriff or ~~jailers~~ a jailer, or who has been duly appointed as a jailer by the sheriff. The term includes 'deputy sheriffs' and 'special deputy sheriffs' but does not include clerical and support personnel not required to take an oath. The term 'special deputy' means a person who, through appointment by the sheriff, becomes an unpaid criminal justice officer to perform a specific act directed to him by the sheriff."

1 Sec. 2. G.S. 17E-4(a) reads as rewritten:

2 "(a) The Commission shall have the following powers, duties, and responsibilities,
3 which are enforceable through its rules and regulations, certification procedures, or the
4 provisions of G.S. 17E-8 and G.S. 17E-9:

- 5 (1) Promulgate rules and regulations for the administration of this
6 Chapter, which rules may require (i) the submission by any agency of
7 information with respect to the employment, education, and training of
8 its law-enforcement officers, and (ii) the submission by any training
9 school of information with respect to its programs that are required by
10 this Chapter;
- 11 (2) Establish minimum educational and training standards that may be met
12 in order to qualify for entry level employment as an officer in
13 temporary or probationary status or in a permanent position;
- 14 (3) Certify, pursuant to the standards that it may establish for the purpose,
15 persons as qualified under the provisions of this Chapter who may be
16 employed at entry level as officers;
- 17 (4) Establish minimum standards for the certification of training schools
18 and programs or courses of instruction that are required by this
19 Chapter;
- 20 (5) Certify, pursuant to the standards that it has established for the
21 purpose, training schools and programs or courses of instruction that
22 are required by this Chapter;
- 23 (6) Establish standards and levels of education or equivalent experience
24 for teachers who participate in programs or courses of instruction that
25 are required by this Chapter;
- 26 (7) Certify, pursuant to the standards that it has established for the
27 purpose, teachers who participate in programs or courses of instruction
28 that are required by this Chapter;
- 29 (8) ~~Make~~ Investigate and make such evaluations as may be necessary to
30 determine if agencies are complying with the provision of this
31 Chapter;
- 32 (9) Adopt and amend bylaws, consistent with law, for its internal
33 management and control;
- 34 (10) Enter into contracts incident to the administration of its authority
35 pursuant to this Chapter.

36 The Commission may certify, and no additional certification shall be required from
37 it, programs, courses and teachers certified by the North Carolina Criminal Justice
38 Education and Training Standards Commission. Where the Commission determines that
39 a program, course, instructor or teacher is required for an area which is unique to the
40 office of sheriff, the Commission may certify such program, course, instructor, or
41 teacher under such standards and procedures as it may establish."

42 Sec. 3. G.S. 17E-7 reads as rewritten:

43 "**§ 17E-7. Required standards.**

1 (a) ~~Officers~~ Justice officers shall not be required to meet any requirements of
2 subsections (b) and (c) of this section as a condition of continued employment, nor shall
3 failure of ~~any such justice officer~~ a justice officer to fulfill such requirements make him
4 ineligible for any promotional examination for which he is otherwise eligible if the
5 officer held an appointment prior to July 1, 1983, and is a sworn law-enforcement
6 officer with power of arrest. The legislature finds, and it is hereby declared to be the
7 policy of this Chapter, that such officers have satisfied such requirements by their
8 experience. It is the intent of the Chapter that all law-enforcement officers employed at
9 the entry level after the Commission has adopted the required standards shall meet the
10 requirements of this ~~Chapter~~ Chapter. All justice officers who are exempted from the
11 required entry level standards by this subsection are subject to the requirements of
12 subsections (b) and (c) of this section as well as the requirements of G.S. 17E-4(a) in
13 order to retain certification.

14 (b) The Commission shall provide, by regulation, that no person may be
15 appointed as a law-enforcement officer at entry level, except on a temporary or
16 probationary basis, unless such person has satisfactorily completed an initial preparatory
17 program of training at a school certified by the Commission or has been exempted from
18 that requirement by the Commission pursuant to this Chapter. Upon separation of a law-
19 enforcement officer from a sheriff's department within the temporary or probationary
20 period of appointment, the probationary certification shall be terminated by the
21 Commission. Upon the reappointment to the same department or appointment to another
22 department of an officer who has separated from a department within the probationary
23 period, the officer shall be charged with the amount of time served during his initial
24 appointment and allowed the remainder of the probationary period to complete the basic
25 training requirement. Upon the reappointment to the same department or appointment to
26 another department of an officer who has separated from a department within the
27 probationary period and who has remained out of service for more than one year from
28 the date of separation, the officer shall be allowed another probationary period to
29 complete such training as the Commission shall require by rule for an officer returning
30 to service.

31 (c) In addition to the requirements of subsection (b) of this section, the
32 Commission, by rules and regulations, may fix other qualifications for the employment
33 and retention of law-enforcement officers including minimum age, education, physical
34 and mental standards, citizenship, good moral character, experience, and such other
35 matters as relate to the competence and reliability of persons to assume and discharge
36 the responsibilities of the office, and the Commission shall prescribe the means for
37 presenting evidence of fulfillment of these requirements. The Commission may deny
38 applicants for justice officer certification based solely upon the conviction of a felony.

39 Where minimum educational standards are not met, yet the individual shows
40 potential and a willingness to achieve the standards by extra study, they may be waived
41 by the Commission for the reasonable amount of time it will take to achieve the
42 standards required. Upon petition from a sheriff, the Commission may grant a waiver of
43 any provisions of this section (17E-7) for any justice officer serving that sheriff.

1 (d) The Commission may issue a certificate evidencing satisfaction of the
2 requirements of subsections (b) and (c) of this section to any applicant who presents
3 such evidence as may be required by its rules and regulations of satisfactory completion
4 of a program or course of instruction in another jurisdiction."

5 Sec. 4. G.S. 17E-11 reads as rewritten:

6 **"§ 17E-11. Application and construction of Chapter.**

7 (a) Nothing in this Chapter shall apply to the sheriff elected by the people.

8 (b) Nothing in this Chapter shall be construed as modifying the character of a
9 sheriff from an elective office, or as modifying the character of the office of deputy
10 sheriff from an appointive office.

11 (c) If a justice officer, or a criminal justice officer as defined in G.S. 17C-2(c),
12 becomes sheriff, the justice officer is not required to maintain certification for the period
13 served as sheriff. At the end of service as sheriff, the justice officer shall apply for
14 certification. The Commission shall reinstate certification upon the conclusion of the
15 period of service as sheriff and in conformance with the rules of the Commission for the
16 application for certification."

17 Sec. 5. This act becomes effective October 1, 1991.