

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 547
Apr 13, 2021
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40301-SA-11

Short Title: Use Law Enf. Decert Index/Clarify APA. (Public)

Sponsors: Representative Szoka.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A REQUIREMENT FOR THE NORTH CAROLINA CRIMINAL
3 JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION AND THE
4 NORTH CAROLINA SHERIFFS' EDUCATION AND TRAINING STANDARDS
5 COMMISSION TO UTILIZE THE NATIONAL DECERTIFICATION INDEX
6 MAINTAINED BY THE INTERNATIONAL ASSOCIATION OF DIRECTORS OF LAW
7 ENFORCEMENT STANDARDS AND TRAINING IN THE CERTIFICATION PROCESS
8 FOR CERTIFIED PERSONNEL AND TO CLARIFY THE ADMINISTRATIVE
9 PROCEDURE APPLICABLE TO THOSE COMMISSIONS.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** G.S. 17C-6(a) reads as rewritten:

12 "(a) In addition to powers conferred upon the Commission elsewhere in this Article, the
13 Commission shall have the following powers, which shall be enforceable through its rules and
14 regulations, certification procedures, or the provisions of G.S. 17C-10:

15 ...

16 (21) Search the National Decertification Index (NDI) maintained by the
17 International Association of Directors of Law Enforcement Standards and
18 Training (IADLEST) using the name of every applicant for certification or
19 applicant for lateral transfer, and any other personal identifying information
20 necessary to complete the search, and shall utilize any record of conviction of
21 a criminal offense received as a result of the search during the application and
22 lateral transfer process to determine if the applicant has any record that would
23 disqualify the applicant for certification."

24 **SECTION 2.** G.S. 17E-4(a) reads as rewritten:

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

28 ...

29 (17) Search the National Decertification Index (NDI) maintained by the
30 International Association of Directors of Law Enforcement Standards and
31 Training (IADLEST) using the name of every applicant for certification or
32 applicant for lateral transfer, and any other personal identifying information
33 necessary to complete the search, and shall utilize any record of conviction of
34 a criminal offense received as a result of the search during the application and
35 lateral transfer process to determine if the applicant has any record that would
36 disqualify the applicant for certification.



1"

2 **SECTION 3.** G.S. 150B-38 is amended by adding a new subsection to read:

3 "(a1) The provisions of this Article do not apply to the North Carolina Criminal Justice
4 Education and Training Standards Commission and the North Carolina Sheriffs' Education and
5 Training Standards Commission."

6 **SECTION 4.** Sections 1 and 2 of this act become effective October 1, 2021, and
7 apply to applications for certification submitted on or after that date. Section 3 of this act becomes
8 effective October 1, 2021, and applies to any contested case arising on or after that date. The
9 remainder of this act is effective when it becomes law.