

12 NCAC 10B .0406 is amended as published in 39:14 NCR 909 as follows:

12 NCAC 10B .0406 ~~LATERAL TRANSFER/REINSTATEMENTS~~ LATERAL TRANSFERS AND REINSTATEMENTS

(a) ~~The General~~ general certification, pursuant to Rule .0404 of this Section, or Grandfather Certification grandfather certification, as defined in G.S. 17E-7(a), of ~~an officer~~ a detention officer, as defined in Rule .0103(6) of this Subchapter, or a telecommunicator, as defined in Rule .0103(20) of this Subchapter, meeting the requirements of 12 NCAC 10B .0103(16) may ~~be~~ laterally transfer ~~transferred~~ to an agency and be certified upon compliance with ~~this Rule, without having to repeat the requirements set out in 12 NCAC 10B .0303.~~ Paragraphs (b) and (c) of this Rule.

(b) The employing agency shall verify the applicant's certification status with the Division prior to submission of the application for certification ~~as a justice officer,~~ as a lateral transfer.

(c) In order for ~~an a detention~~ officer or telecommunicator to be certified pursuant to Paragraph (a) of this Rule, the employing agency shall submit to the Division, along with the Report of Appointment (F-4 or F-4T), the documents required in ~~12 NCAC 10B .0408.~~ Rule .0408 of this Section.

(d) ~~An A justice~~ A justice officer whose certification has been suspended pursuant to ~~12 NCAC 10B .0204(b)(1)~~ Rule .0204(b)(1) of this Subchapter may have that certification reinstated provided that:

- (1) the period of suspension has been six months or less; ~~and~~
- (2) the employing agency submits to the Division, along with a Report of Appointment, the documents required in ~~12 NCAC 10B .0305.~~ Rule .0408 of this Subchapter except Subparagraphs (1), (2), (3), (4), and (5) of Paragraph (a); and
- (3) the officer has successfully completed the basic training requirements as prescribed in ~~12 NCAC 10B .0500 or .0600 or .1300.~~ Sections .0500, .0600, or .1300 of this Subchapter.

(e) ~~An A justice~~ A justice officer for whom a Report of Separation (Form F-5) has been submitted to the Division, and who is re-appointed in the same agency, may be reinstated provided that:

- (1) the period of separation has been six-months or less; and
- (2) the employing agency submits to the Division, along with a Report of Appointment, the documents required in ~~12 NCAC 10B .0305.~~ Rule .0408 of this Subchapter except Subparagraphs (1), (2), (3), (4), and (5) of Paragraph (a).

~~(f) Requirements of Paragraph (e) of this Rule are waived for officers whose certifications are reinstated pursuant to Paragraphs (d) and (e) of this Rule.~~

~~(g) All information maintained pursuant to the requirements of this Rule shall be subject to all state and federal laws governing confidentiality.~~

History Note: Authority G.S. 17E-4; 17E-7;

Eff. January 1, 1989;

Amended Eff. January 1, 1994; January 1, 1993; January 1, 1992; July 1, 1990;

Temporary Amendment Eff. March 1, 1998;

1 *Amended Eff. January 1, 2009; January 1, 2005; August 1, 2002; August 1, 1998;*
2 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
3 *2018;*
4 *Amended Eff. May 1, 2025; December 1, 2023.*
5
6

1 12 NCAC 10B .0411 is adopted as published in 39:14 NCR 910 as follows:

2
3 **12 NCAC 10B .0411 IN-STATE LATERAL TRANSFER OF A DEPUTY SHERIFF**
4

5 (a) A North Carolina law enforcement officer is eligible to transfer their certification from one law enforcement
6 agency to another law enforcement agency and be certified as a deputy sheriff if the officer:

- 7 (1) has completed basic law enforcement training and holds general or probationary certification from
8 the Commission or the Criminal Justice Education and Training Standards Commission; and
9 (2) has not had more than a 12-month consecutive break in service immediately preceding the current
10 application.

11 (b) Prior to certification being transferred per this rule, the sheriff's office considering the applicant for employment
12 as a deputy sheriff shall submit a Lateral Report of Appointment, Form F-4A, to the Division reporting that the
13 employing agency has done the following and provided the requested documents:

- 14 (1) obtained and forwarded the applicant's fingerprints to the North Carolina State Bureau of
15 Investigation, in compliance with the requirements set forth in Rule .0303 of this Subchapter,
16 reviewed the results of the criminal history record check provided as a result, and provided a copy
17 of the results to the Division;
18 (2) completed the AOC-CR-280 Law Enforcement Application for Verification of Expunction form and
19 provided the results to the Division;
20 (3) submit to the Division a certified copy of the applicant's oath of office;
21 (4) obtained a signed and notarized Authorization for Release of Information from the applicant,
22 pursuant to Rule .0305 of this Subchapter, forwarded the Authorization for Release of Information
23 to the Division, and reviewed the following documents of the applicant maintained by or on behalf
24 of any North Carolina law enforcement agency where the applicant was employed for any part of
25 the five year period preceding the current application:
26 (A) the personnel file including confidential information as defined by G.S. 153A-98, G.S.
27 160A-168, and G.S. 126-24;
28 (B) Report of Separation, Form F-5, if the applicant has separated;
29 (C) Background Investigation, Form F-8; and
30 (D) any internal investigations.
31 (5) verified that the applicant:
32 (A) has not had more than a 12-month consecutive break in service immediately preceding the
33 current application;
34 (B) has completed all mandatory in-service training for the preceding calendar year;
35 (C) has not been charged with or been convicted of criminal offenses that would prohibit
36 certification pursuant to the Rule of this Subchapter;

1 (D) has not been the subject of any internal investigation within the last 18 months that contains
2 allegations of a potential violation of the Rules of this Subchapter; and

3 (E) has qualified with the assigned duty weapon which has been recorded on the Firearm
4 Qualification Record, Form F-9A, and satisfactorily completed the sheriff's office's in-
5 service firearms training program, as prescribed in Rules .2103 and .2104 of this
6 Subchapter. The Firearm Qualification Record shall be submitted to the Division with the
7 Lateral Report of Appointment.

8 (c) Form F-4A, Lateral Report of Appointment, is completed by the employing agency and contains a list of tasks to
9 be completed by the agency and documents to include with the form including identifying information about the
10 applicant, certification status, fingerprint response from the North Carolina State Bureau of Investigation, AOC-CR-
11 280 form, Authorization for Release of Information, applicant's personnel file review confirmation, mandatory in-
12 service training confirmation, and Firearm Qualification Record.

13
14
15 History Note: Authority G.S. 17E-4; 17E-7
16 Eff. May 1, 2025.
17

1 12 NCAC 10B .0505 is amended as published in 39:14 NCR 911 as follows:

2
3 **12 NCAC 10B .0505 EVALUATION FOR TRAINING WAIVER**

4 This Rule shall be used by Division staff in evaluating an applicant's training and experience to determine eligibility
5 for a waiver of training as set forth in ~~12 NCAC 10B .0504(a)~~, Rule .0504(a) of this Section.

6 (1) Persons who separated from a sworn law enforcement position during their probationary period after
7 having completed a ~~commission-certified~~ Commission-accredited Basic Law Enforcement Training
8 Course as set forth in 12 NCAC 09B .0205 and who have been separated from a sworn law
9 enforcement position for one year or less shall serve the remainder of the initial certification
10 probationary period in accordance with G.S. 17E-7(b), but ~~need~~ shall not be required to complete
11 an additional training program.

12 (2) Persons who separated from a sworn law enforcement position during their probationary period
13 without having completed Basic Law Enforcement Training, or whose certification was suspended
14 pursuant to ~~12 NCAC 10B .0204(b)(1)~~, Rule .0204(b)(1) of this Subchapter, and who have remained
15 separated or suspended for over one year shall:

16 (a) complete a ~~commission-certified~~ Commission-accredited Basic Law Enforcement
17 Training Course as set forth in 12 NCAC 09B .0205 in its entirety;

18 (b) pass the ~~State Comprehensive Examination~~; state comprehensive examination as set forth
19 in 12 NCAC 09B .0406; and

20 (c) complete a 12 month certification probationary period ~~as prescribed in 12 NCAC 10B~~
21 ~~.0503(a)~~; period which begins on the date he or she takes the Oath of Office.

22 (3) ~~Persons transferring to a Sheriff's Office from another law enforcement agency who held~~
23 ~~certification and who have previously completed a commission-certified Basic Law Enforcement~~
24 ~~Training Course beginning on or after October 1, 1984, and who have been separated from a sworn~~
25 ~~law enforcement position for no more than one year or who have had no break in service shall~~
26 ~~complete the following topics of a commission-certified Basic Law Enforcement Training Course:~~

27 (a) Civil Process 24 hours

28 (b) ~~Sheriffs' Responsibilities: Detention Duties~~ 4 hours

29 (c) ~~Sheriffs' Responsibilities: Court Duties~~ 6 hours

30 UNIT TOTAL 34 hours

31 ~~Following completion of the required training topics, the applicant shall pass that portion of the~~
32 ~~State Comprehensive Examination which deals with those subjects within 12 months of the date of~~
33 ~~appointment as defined in 12 NCAC 10B .0103(1).~~

34 (4)(3) Unless a waiver has been granted pursuant to ~~12 NCAC 10B .1901~~, Rule .1901 of this Subchapter,
35 persons who have training and experience as a military law enforcement officer and are appointed
36 as a deputy sheriff in North Carolina shall, within ~~the 12 month probationary period set forth in 12~~
37 ~~NCAC 10B .0503(a)~~, one year of the date of his or her Oath of Office complete:

- 1 (a) ~~a commission-certified~~ Commission-accredited Basic Law Enforcement Training Course
2 as set forth in 12 NCAC 09B .0205 in its entirety regardless of previous military training
3 and experience; and
- 4 (b) ~~pass the State Comprehensive Examination;~~ state comprehensive examination as set forth
5 in 12 NCAC 09B .0406.
- 6 (5) ~~Persons transferring to a sheriff's office from another law enforcement agency who have previously~~
7 ~~completed a commission-certified Basic Law Enforcement Training Course beginning on or after~~
8 ~~January 1, 1996 through July 1, 1997, and who did not complete the Commission's Driver Training~~
9 ~~curriculum, and who have been separated from a sworn law enforcement position for no more than~~
10 ~~one year or who have had no break in service shall complete the following topic of a Commission-~~
11 ~~certified Basic Law Enforcement Training Course within 12 months of the date of appointment as~~
12 ~~defined in 12 NCAC 10B .0103(1): Law Enforcement Driver Training 40 hours.~~
- 13 (6)(4) North Carolina applicants; ~~qualified~~ out-of-state transferees; and ~~qualified~~ federal transferees who
14 meet the requirements set forth in Items ~~(7), (8) and (9)~~ (5), (6), and (7) of this Rule shall be allowed
15 to select one of the following two options for gaining North Carolina certification as a deputy sheriff:
- 16 (a) ~~Undertake and successfully complete~~ Complete the Basic Law Enforcement Training
17 Course as set forth in 12 NCAC 09B .0205 in its entirety during a one year certification
18 probationary period and successfully pass the State Comprehensive Examination; state
19 comprehensive examination as set forth in 12 NCAC 09B .0406; or
- 20 (b) Pass Complete the following entry criteria:
- 21 (i) Challenge Pass the Basic Law Enforcement Training ~~Comprehensive State~~
22 ~~Examination~~ state comprehensive examination as set forth in 12 NCAC 09B .0406
23 ~~to be delivered at the end of an ongoing Basic Law Enforcement Training Course~~
24 Course. ~~and successfully pass each unit examination of the comprehensive~~
25 ~~examination with a minimum score of 70%. Any applicant failing to pass more~~
26 ~~than two unit examinations shall complete the Basic Law Enforcement Training~~
27 ~~Course in its entirety. Any applicant failing one or two unit examinations shall~~
28 ~~enroll in each topic area which comprises that unit taught in a subsequent BLET~~
29 ~~course and submit to the unit examination at the end of the course and pass that~~
30 ~~unit examination;~~ If the applicant fails to pass the examination, he or she may
31 attempt to pass the examination one additional time. If the applicant fails to pass
32 the examination on the second attempt, the applicant shall be required to complete
33 the Basic Law Enforcement Training Course as set forth in 12 NCAC 09B .0205
34 in its entirety and pass the state comprehensive examination as set forth in 12
35 NCAC 09B .0406 during their one year certification probationary period;

(ii) Each applicant who is authorized to carry a firearm shall prior to appointment complete with passing scores the Commission's In-service Firearms Training and Qualification Program as prescribed in Rule .2104 of this Subchapter.

~~(ii)(iii)~~ (iii) Each applicant shall demonstrate proficiency in the following skills related activities to the satisfaction of an instructor certified by the North Carolina Criminal Justice Education and Training Standards Commission in the corresponding topical area. Successful completion of the skills related activities as set out in this ~~rule~~ Rule shall be documented by the certified ~~instructor on the corresponding Commission approved form found in the "Basic Law Enforcement Training Manual" published by the North Carolina Justice Academy and provided by the Division.~~ instructor and submitted to the Division.

(A) First Responder;

~~(B)~~ Firearms;

~~(C)~~ (B) Law Enforcement Driver Training;

~~(D)~~ (C) Physical Fitness; Officer Health and Wellness; and

~~(E)~~ (D) Subject Control Arrest Techniques. Compliance and Control Tactics.

~~(iii)~~ (iii) Any applicant failing to pass a unit examination after remediation as referenced in this Rule shall be required to complete Basic Law Enforcement Training in its entirety; and

(iv) All criteria referenced in this Rule ~~must~~ shall be successfully completed within the one-year certification probationary period. ~~period as set forth in Rule .0504 of this Section.~~

~~(7)~~ (5) North Carolina applicants referenced in Item (4) of this Rule shall:

(a) have a minimum of two years full-time sworn law enforcement experience that occurred prior to their application;

(b) have had a break in service exceeding one year;

(c) have previously received ~~General~~ general or ~~Grandfather~~ grandfather, in accordance with G.S. 17C-10(a) or G.S. 17E-7(a), certification as a sworn law enforcement officer by either the Commission or the North Carolina Criminal Justice Education and Training Standards Commission, and such certification has not been denied, ~~revoked~~ revoked, or suspended by either Commission; and

(d) have held general powers of arrest.

~~(8)~~ (6) Out-of-state transferees referenced in Item (4) of this Rule shall:

(a) have a minimum of two years full-time sworn law enforcement experience that occurred prior to their ~~application;~~ application. An applicant's attendance at his or her basic law enforcement training course shall not count towards the two years full-time sworn law enforcement experience;

- 1 (b) have held certification ~~in good standing~~ as a sworn law enforcement officer from the
2 appropriate Peace Officer's Standards and Training entity in the transferee's respective
3 ~~state; state and such certification has not been denied, revoked, or suspended;~~
4 (c) have had general powers of arrest; and
5 (d) submit documentation verifying their qualified status.
- 6 ~~(9)(7)~~ Federal Transferees referenced in Item (4) of this Rule shall:
7 (a) have a minimum of two years full-time sworn law enforcement experience;
8 (b) have held certification or commissioning as a sworn law enforcement officer from the
9 appropriate federal entity authorized to issue such sworn law enforcement officers
10 certification or ~~commission; commission, and such certification or commission has not~~
11 been denied, revoked, or suspended.
12 (c) have held general powers of arrest; and
13 (d) submit documentation verifying their qualified status.
- 14 ~~(10) Persons transferring to a sheriff's office from another law enforcement agency who held~~
15 ~~certification, who have previously been granted a training waiver by the North Carolina Criminal~~
16 ~~Justice Commission and who have been separated from a sworn law enforcement position for no~~
17 ~~more than one year or who had no break in service shall not be required to complete the Basic Law~~
18 ~~Enforcement Training course, but shall have the waiver honored by this Commission.~~
- 19 ~~(11) Persons previously holding Grandfather law enforcement certification in accordance with G.S. 17C-~~
20 ~~10(a) or G.S. 17E-7(a) who have been separated from a sworn law enforcement position for less~~
21 ~~than one year or have had no break in service shall not be required to complete a commission-~~
22 ~~certified Basic Law Enforcement Training Course.~~

23
24 *History Note:* *Authority G.S. 17E-4; 17E-7;*
25 *Eff. January 1, 1989;*
26 *Amended Eff. January 1, 2005; August 1, 2002; August 1, 2000; August 1, 1998; February 1, 1998;*
27 *January 1, 1996; January 1, 1994; January 1, 1993; January 1, 1992;*
28 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
29 *2018;*
30 *Amended Eff. May 1, 2025; January 1, 2019.*
31
32