

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE PRINCIPAL CLERK

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HOUSE DRH10204-MM-39A (02/16)

Short Title: Military Experience/LEO Cert. Requirements. (Public)

Sponsors: Representatives Whitmire, McNeill, Cleveland, and G. Martin (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO RECOGNIZE EXPERIENCE AS MILITARY POLICE OFFICERS FOR  
3 PURPOSES OF LAW ENFORCEMENT CERTIFICATION AND TO INCREASE THE  
4 SIZE OF THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND  
5 TRAINING STANDARDS COMMISSION.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. Chapter 17C of the General Statutes is amended by adding a new  
8 section to read:

9 "§ 17C-10.1. Certification of military service members and veterans with law  
10 enforcement training and experience.

11 (a) Notwithstanding any other provision of law, the Commission shall waive an  
12 applicant's completion of the Commission-accredited training course and issue probationary  
13 certification to a current or former military police officer provided the Commission, upon  
14 evaluating the individual applicant's training and experience pursuant to G.S. 93B-15.1(a),  
15 determines that the applicant's combined training and experience is substantially equivalent to  
16 or exceeds the minimum expectations for employment as a law enforcement officer and the  
17 applicant satisfies all of the following conditions:

18 (1) Successfully completed a military police training program and been awarded  
19 a military police occupational specialty rating.

20 (2) Performed military police officer duties in any of the branches of military  
21 service, active or reserve, or the National Guard for not less than two of the  
22 five years preceding the date of the application for certification as a law  
23 enforcement officer.

24 (b) An applicant certified pursuant to subsection (a) of this section must successfully  
25 complete the employing agency's in-service firearms training and qualification program prior to  
26 employment and shall serve a one-year period of probation. During the one-year period of  
27 probation, the applicant must successfully complete the Legal Unit in a Commission-accredited  
28 Basic Law Enforcement Training Course and successfully pass the State Comprehensive  
29 Examination in its entirety.

30 (c) The Commission shall issue certification to a former or current military police  
31 officer whose combined training and experience is not substantially equivalent to or does not  
32 exceed the minimum expectations for employment as a law enforcement officer if the applicant  
33 meets all of the following requirements:

34 (1) Successfully completed a formal military basic training program and been  
35 awarded a military police occupational specialty rating.



1           (2) Engaged in the active practice of military police officer duties in any of the  
2 branches of military service, active or reserve, or the National Guard for not  
3 less than two of the five years preceding the date of the application for  
4 certification as a law enforcement officer.

5           (3) Meets the minimum standards for law enforcement officers as set out in 12  
6 NCAC 9B. 0101 and NCAC 9B. 0111.

7           (4) Successfully completes the Legal Unit in a Commission-accredited Basic  
8 Law Enforcement Training Course and any supplementary high-liability  
9 training as deemed necessary by the Commission, not to exceed an  
10 additional 180 hours.

11           (5) Obtains a passing grade on the State Comprehensive Basic Law  
12 Enforcement Training (BLET) Exam.

13           (d) Members of the Air/Army National Guard and Military Reserve Components who  
14 have performed as a military police officer for not less than 1,040 hours during the five years  
15 preceding the date of application shall be deemed to satisfy the requirements of subdivisions  
16 (a)(2) and (c)(2) of this section.

17           (e) An applicant who, after completing the required training in subsections (a) or (c) of  
18 this section, fails to obtain a passing score on not more than two of the units of the  
19 comprehensive exam may be retested in the units the applicant failed. An applicant who fails  
20 three or more of the units must enroll in and successfully complete a subsequent offering of the  
21 Basic Law Enforcement Training Course in its entirety in order to be eligible to be certified.

22           (f) An active duty military police officer who obtains certification under this section  
23 may retain the certification for the duration of active duty provided the officer continues to  
24 serve in a military police capacity and complies with any in-service training requirements as  
25 may be required by the Commission. An active duty member who is unable to complete annual  
26 in-service requirements due to deployment or overseas assignment shall have 12 months from  
27 the time the officer returns to the United States in which to complete any required in-service  
28 training. The officer shall retain the certification for a period of one year following separation  
29 from active duty.

30           (g) As used in this section, the following terms mean:

31           (1) Branches of military service. – The United States Armed Forces: Air  
32 Force; Army; Marine; Navy; active, reserve, Air/Army National Guard  
33 components and the Coast Guard.

34           (2) Combined training. – Basic military training, basic military police training,  
35 in-service or advanced military police training and any other military  
36 training courses that may be applicable to the performance of law  
37 enforcement duties.

38           (3) Military police. – All law enforcement occupational classifications in the  
39 various branches of the Armed Forces, including Military Police Officer,  
40 Security Forces Specialist, Master-at-Arms, Maritime Enforcement  
41 Specialist, Boarding Officer and Security forces."

42           **SECTION 2.** G.S. 17C-3 reads as rewritten:

43           **"§ 17C-3. North Carolina Criminal Justice Education and Training Standards**  
44 **Commission established; members; terms; vacancies.**

45           (a) There is established the North Carolina Criminal Justice Education and Training  
46 Standards Commission, hereinafter called "the Commission." The Commission shall be  
47 composed of ~~31~~<sup>34</sup> members as follows:

48           (1) Police Chiefs. – Three police chiefs selected by the North Carolina  
49 Association of Chiefs of Police and one police chief appointed by the  
50 Governor.

- 1 (2) Police Officers. – Three police officials appointed by the North Carolina  
2 Police Executives Association and two criminal justice officers certified by  
3 the Commission as selected by the North Carolina Law-Enforcement  
4 Officers' Association.
- 5 (3) Departments. – The Attorney General of the State of North Carolina; the  
6 Secretary of Public Safety; the Director of the State Bureau of Investigation,  
7 the Commander of the State Highway Patrol, and the President of the North  
8 Carolina Community Colleges System.
- 9 (3a) Repealed by Session Laws 2001-490, s. 1.2, effective June 30, 2001.
- 10 (4) At-large Groups. – One individual representing and appointed by each of the  
11 following organizations: one mayor selected by the League of  
12 Municipalities; one law-enforcement training officer selected by the North  
13 Carolina Law-Enforcement Training Officers' Association; one criminal  
14 justice professional selected by the North Carolina Criminal Justice  
15 Association; one sworn law-enforcement officer selected by the North State  
16 Law-Enforcement Officers' Association; one member selected by the North  
17 Carolina Law-Enforcement Women's Association; and one District Attorney  
18 selected by the North Carolina Association of District Attorneys.
- 19 (5) Citizens and Others. – The President of The University of North Carolina;  
20 the Dean of the School of Government at the University of North Carolina at  
21 Chapel Hill; and two citizens, one of whom shall be selected by the  
22 Governor and one of whom shall be selected by the Attorney General. The  
23 General Assembly shall appoint four persons, two upon the recommendation  
24 of the Speaker of the House of Representatives and two upon the  
25 recommendation of the President Pro Tempore of the Senate. Appointments  
26 by the General Assembly shall be made in accordance with G.S. 120-122.  
27 Appointments by the General Assembly shall be for two-year terms to  
28 conclude on June 30th in odd-numbered years.
- 29 (6) ~~Correctional Officers.~~—Adult Correction and Juvenile Justice. – Four  
30 correctional officers in management positions employed by the Division of  
31 Adult Correction and Juvenile Justice of the Department of Public Safety  
32 shall be appointed, two from the Section of Community Corrections ~~of the~~  
33 ~~Division of Adult Correction~~ upon the recommendation of the Speaker of the  
34 House of Representatives and two from the Section of Prisons ~~of the~~  
35 ~~Division of Adult Correction~~ upon the recommendation of the President Pro  
36 Tempore of the Senate. Appointments by the General Assembly shall be  
37 made in accordance with G.S. 120-122. Appointments by the General  
38 Assembly shall serve two-year terms to conclude on June 30th in  
39 odd-numbered ~~years.~~years or until the appointee no longer serves in a  
40 management position with the Division of Adult Correction, whichever  
41 occurs first. The Governor shall appoint one correctional officer employed  
42 by the Division of Adult Correction of the Department of Public Safety and  
43 assigned to the Office of Staff Development and ~~Training.~~Training, and one  
44 juvenile justice officer employed by the Section of Juvenile Justice. The  
45 Governor's ~~appointment~~appointments shall serve ~~a three-year term.~~terms or  
46 until the appointee is no longer assigned to the Office of Staff Development  
47 and Training, or is no longer a juvenile justice officer, whichever occurs  
48 first.
- 49 (b) The members shall be appointed for staggered terms. The initial appointments shall  
50 be made prior to September 1, 1983, and the appointees shall hold office until July 1 of the year

1 in which their respective terms expire and until their successors are appointed and qualified as  
2 provided hereafter:

3 For the terms of one year: one member from subdivision (1) of subsection (a) of this  
4 section, serving as a police chief; three members from subdivision (2) of subsection (a) of this  
5 section, one serving as a police official, and two criminal justice officers; one member from  
6 subdivision (4) of subsection (a) of this section, appointed by the North Carolina  
7 Law-Enforcement Training Officers' Association; and two members from subdivision (5) of  
8 subsection (a) of this section, one appointed by the Governor and one appointed by the  
9 Attorney General.

10 For the terms of two years: one member from subdivision (1) of subsection (a) of this  
11 section, serving as a police chief; one member from subdivision (2) of subsection (a) of this  
12 section, serving as a police official; and two members from subdivision (4) of subsection (a) of  
13 this section, one appointed by the League of Municipalities and one appointed by the North  
14 Carolina Association of District Attorneys.

15 For the terms of three years: two members from subdivision (1) of subsection (a) of this  
16 section, one police chief appointed by the North Carolina Association of Chiefs of Police and  
17 one police chief appointed by the Governor; one member from subdivision (2) of subsection (a)  
18 of this section, serving as a police official; and three members from subdivision (4) of  
19 subsection (a) of this section, one appointed by the North Carolina Law-Enforcement Women's  
20 Association, one appointed by the North Carolina Criminal Justice Association, and one  
21 appointed by the North State Law-Enforcement Officers' Association.

22 Thereafter, as the term of each member expires, his successor shall be appointed for a term  
23 of three years. Notwithstanding the appointments for a term of years, each member shall serve  
24 at the will of the appointing authority.

25 The Attorney General, the President of The University of North Carolina, the Dean of the  
26 School of Government at the University of North Carolina at Chapel Hill, the President of the  
27 North Carolina Community Colleges System, the Director of the State Bureau of Investigation,  
28 the Commander of the State Highway Patrol, and the Secretary of Public Safety shall be  
29 continuing members of the Commission during their tenure. These members of the  
30 Commission shall serve ex officio and shall perform their duties on the Commission in addition  
31 to the other duties of their offices. The ex officio members may elect to serve personally at any  
32 or all meetings of the Commission or may designate, in writing, one member of their respective  
33 office, department, university or agency to represent and vote for them on the Commission at  
34 all meetings the ex officio members are unable to attend.

35 Vacancies in the Commission occurring for any reason shall be filled, for the unexpired  
36 term, by the authority making the original appointment of the person causing the vacancy. A  
37 vacancy may be created by removal of a Commission member by majority vote of the  
38 Commission for misconduct, incompetence, or neglect of duty. A Commission member may be  
39 removed only pursuant to a hearing, after notice, at which the member subject to removal has  
40 an opportunity to be heard."

41 **SECTION 3.** This act is effective when it becomes law.