

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 611
PROPOSED SENATE COMMITTEE SUBSTITUTE H611-PCS40501-CE-22

Short Title: Modify Training/Standards Commissions Power. (Public)

Sponsors:

Referred to:

April 17, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY VARIOUS POWERS OF THE CRIMINAL JUSTICE AND SHERIFFS'
3 EDUCATION AND TRAINING STANDARDS COMMISSIONS AND TO PROVIDE
4 THAT CERTAIN EXPUNGED CRIMES COMMITTED BY MINORS CANNOT
5 PREVENT LAW ENFORCEMENT CERTIFICATION.

6 The General Assembly of North Carolina enacts:

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

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

- 11 ...
- 12 (6) Establish minimum standards and levels of education and experience for all
13 criminal justice ~~instructors~~instructors, including instructors with probationary
14 or limited teaching privileges, qualified assistants, in-service training
15 coordinators, executive officers, and school ~~directors~~directors, who
16 participate in programs or courses of instruction that are required by this
17 Article.
- 18 (7) Certify and recertify, suspend, revoke, or deny, pursuant to the standards that
19 it has established for the purpose, criminal justice ~~instructors~~instructors,
20 including instructors with probationary or limited teaching privileges,
21 qualified assistants, in-service training coordinators, executive officers, and
22 school ~~directors~~directors, who participate in programs or courses of
23 instruction that are required by this Article or are required and approved by
24 their respective criminal justice agency to include those certified under
25 Chapter 17E or an educational institution accredited by the Commission.
- 26 (8) Investigate and make such evaluations as may be necessary to determine if
27 criminal justice agencies, schools, and ~~individuals~~instructors, including
28 instructors with probationary or limited teaching privileges, qualified
29 assistants, in-service training coordinators, executive officers, and school
30 directors, are complying with the provisions of this Article.

31"

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

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



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- 1 (1) Promulgate rules and regulations for the administration of this Chapter, which
2 rules may require (i) the submission by any agency of information with respect
3 to the employment, education, and training of its justice officers, and (ii) the
4 submission by any training school of information with respect to its programs
5 that are required by this ~~Chapter;~~Chapter.
- 6 ...
- 7 (3) Certify, recertify, suspend, revoke, or deny, pursuant to the standards that it
8 may establish for the purpose, persons as qualified under the provisions of this
9 Chapter who may be employed at entry level as ~~officers;~~officers.
- 10 (4) Establish minimum standards for the certification of training schools and
11 programs or courses of instruction that are required by this ~~Chapter;~~Chapter.
- 12 (5) Certify, recertify, suspend, revoke, or deny, pursuant to the standards that it
13 has established for the purpose, training schools and programs or courses of
14 instruction that are required by this ~~Chapter;~~Chapter.
- 15 (6) Establish standards and levels of education or equivalent experience for
16 ~~teachers—criminal justice school instructors, including instructors with~~
17 probationary or limited teaching privileges, qualified assistants, in-service
18 training coordinators, executive officers, and school directors, who participate
19 in programs or courses of instruction that are required by this
20 ~~Chapter;~~Chapter.
- 21 (7) Certify, recertify, suspend, revoke, or deny, pursuant to the standards that it
22 has established for the purpose, ~~teachers—criminal justice school instructors,~~
23 including instructors with probationary or limited teaching privileges,
24 qualified assistants, in-service training coordinators, executive officers, and
25 school directors, who participate in programs or courses of instruction that are
26 required by this ~~Chapter;~~Chapter or are required and approved by the
27 instructor's agency, including programs or courses of instruction certified
28 under Chapter 17C of the General Statutes or offered by an educational
29 institution accredited by the Commission.
- 30 (8) Investigate and make such evaluations as may be necessary to determine if
31 ~~agencies—agencies, criminal justice school instructors, including instructors~~
32 with probationary or limited teaching privileges, qualified assistants,
33 in-service training coordinators, executive officers, and school directors, are
34 complying with the provision[s] of this ~~Chapter;~~Chapter.
- 35 (9) Adopt and amend bylaws, consistent with law, for its internal management
36 and ~~control;~~control.
- 37 (10) Enter into contracts incident to the administration of its authority pursuant to
38 this ~~Chapter;~~Chapter.

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

46 **SECTION 3.** G.S. 17E-5 is amended by adding a new subsection to read:
47 "(c) Any papers, documents, or other records which become the property of the
48 Commission that are placed in the criminal justice officer's personnel file maintained by the
49 Commission shall be subject to the same disclosure requirements set forth in Chapters 126, 153A,
50 and 160A of the General Statutes regarding the privacy of personnel records."

51 **SECTION 4.(a)** G.S. 17C-13 reads as rewritten:

1 **"§ 17C-13. Pardons; expunctions.**

2 (a) When a person presents competent evidence that he has been granted an unconditional
3 pardon for a crime in this State, any other state, or the United States, the Commission may not
4 deny, suspend, or revoke that person's certification based solely on the commission of that crime
5 or for an alleged lack of good moral character due to the commission of that crime.

6 (b) Notwithstanding G.S. 15A-145.4 or G.S. 15A-145.5, the Commission may gain
7 access to a person's felony conviction records, including those maintained by the Administrative
8 Office of the Courts in its confidential files containing the names of persons granted expunctions.
9 The Commission may deny, suspend, or revoke a person's certification based solely on that
10 person's felony conviction, whether or not that conviction was ~~expunged-expunged~~, unless the
11 conviction was expunged pursuant to G.S. 15A-145.4 or G.S. 15A-145.8A."

12 **SECTION 4.(b)** G.S. 17E-12 reads as rewritten:

13 **"§ 17E-12. Pardons; expunctions.**

14 (a) When a person presents competent evidence that the person has been granted an
15 unconditional pardon of innocence for a crime in this State, any other state, or the United States,
16 the Commission may not deny, suspend, or revoke that person's certification based solely on the
17 commission of that crime or for alleged lack of good moral character due to the commission of
18 that crime.

19 (b) Notwithstanding G.S. 15A-145.4 or G.S. 15A-145.5, the Commission may gain
20 access to a person's felony conviction records, including those maintained by the Administrative
21 Office of the Courts in its confidential files containing the names of persons granted expunctions.
22 The Commission may deny, suspend, or revoke a person's certification based solely on that
23 person's felony conviction, whether or not that conviction was ~~expunged-expunged~~, unless the
24 conviction was expunged pursuant to G.S. 15A-145.4 or G.S. 15A-145.8A."

25 **SECTION 5.(a)** Rule. – For the purposes of this section and its implementation,
26 "Commission and Conviction Definition Rule" means 12 NCAC 9A .0103.

27 **SECTION 5.(b)** Until the effective date of the revised permanent rule that the North
28 Carolina Criminal Justice Education and Training Standards Commission is required to adopt
29 pursuant to subsection (d) of this section, the Commission shall implement the Commission and
30 Conviction Definition Rule as provided in subsection (c) of this section.

31 **SECTION 5.(c)** Implementation. – Notwithstanding 12 NCAC 09A .0103, the terms
32 "commission of offense," "convicted," or "conviction" shall not include an offense expunged
33 pursuant to G.S. 15A-145.4 or G.S. 15A-145.8A.

34 **SECTION 5.(d)** Additional Rulemaking Authority. – The Commission shall adopt
35 a rule to amend the Commission and Conviction Definition Rule consistent with subsection (c)
36 of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant
37 to this section shall be substantively identical to the provisions of subsection (c) of this section.

38 **SECTION 5.(e)** Effective Date. – This section is effective when it becomes law.
39 Subsection (c) of this section expires on the date that the rule adopted pursuant to subsection (d)
40 of this section becomes effective.

41 **SECTION 6.(a)** Rule. – For the purposes of this section and its implementation,
42 "Commission and Conviction Definition Rule" means 12 NCAC 10B .0103.

43 **SECTION 6.(b)** Until the effective date of the revised permanent rule that the North
44 Carolina Sheriffs' Education and Training Standards Commission is required to adopt pursuant
45 to subsection (d) of this section, the Commission shall implement the Commission and
46 Conviction Definition Rule as provided in subsection (c) of this section.

47 **SECTION 6.(c)** Implementation. – Notwithstanding 12 NCAC 10B .0103, the terms
48 "commission," "convicted," or "conviction" shall not include an offense expunged pursuant to
49 G.S. 15A-145.4 or G.S. 15A-145.8A.

50 **SECTION 6.(d)** Additional Rulemaking Authority. – The Commission shall adopt
51 a rule to amend the Commission and Conviction Definition Rule consistent with subsection (c)

1 of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant
2 to this section shall be substantively identical to the provisions of subsection (c) of this section.

3 **SECTION 6.(e)** Effective Date. – This section is effective when it becomes law.
4 Subsection (c) of this section expires on the date that the rule adopted pursuant to subsection (d)
5 of this section becomes effective.

6 **SECTION 7.** Except as otherwise provided, this act is effective when it becomes
7 law.