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TO: Joint Legislative Administrative Procedure Oversight Committee  
Joint Legislative Oversight Committee on Justice & Public Safety

FROM: Jeffrey P. Gray   
Legal Counsel  
Private Protective Services Board

RE: Report on Administrative Rules Constituting a Crime; Session Law 2018-69

DATE: November 29, 2018

In response to S.L. 2018-69 (H.B. 379) the North Carolina Private Protective Services Board hereby submits the below.

N.C. Gen. Stat. § 74C-17(b) provides that any violation of the Board's law or administrative rules constitutes a Class 1 misdemeanor. Therefore, the following administrative rules constitute a crime:

- 14B NCAC 16 .0104 Uniforms and Equipment violations for security guards and private investigators including wearing or displaying any badge, insignia, device, shield, patch or pattern that indicates or tends to indicate "police" or other law enforcement, or utilizing any vehicle or equipment indicating or tending to indicate the same.
- 14B NCAC 16 .0105 Prohibited Acts to include displaying a cancelled, revoked, suspended, fictitious or fraudulently altered license or registration card, allowing use of a license or registration by another, advertisement implying State-authorization beyond "licensed by...", use of the word "police" or other law enforcement designation implying affiliation with such an agency, and making a false statement or giving false information to the Board's third-party criminal history record check provider.
- 14B NCAC 16 .0110 Failure to Report Discharge of Firearm by licensee or registrant (except during training).
- 14B NCAC 16 .0405 Carrying, possessing or displaying an unapproved badge by a Private Investigator, or displaying an approved badge in a manner not authorized by this administrative rule.
- 14B NCAC 16 .0808 Carrying or possessing a concealed weapon except as authorized by this administrative rule.

14B NCAC 16 .0809 Carrying or possessing a firearm not authorized by this administrative rule.

14B NCAC 16 .1307 Uniforms and Equipment violations for unarmed armored car service guards including wearing or displaying any badge, insignia, device, shield, patch or pattern that indicates or tends to indicate "police" or other law enforcement, or utilizing any vehicle or equipment indicating or tending to indicate the same.

14B NCAC 16 .1408 Uniforms and Equipment violations for armed armored car service guards including wearing or displaying any badge, insignia, device, shield, patch or pattern that indicates or tends to indicate "police" or other law enforcement, or utilizing any vehicle or equipment indicating or tending to indicate the same.

cc: David C. Arndt, Chair  
Private Protective Services Board

Brian R. Jones, Director  
Private Protective Services Board