## GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

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## SENATE BILL 978 House Committee Substitute Favorable 7/8/09

Short Title: F	irearms Qualify Sites/Expand Commsn. Powers.	(Public)
Sponsors:		
Referred to:		
	March 26, 2009	
TRAINING STATE LA COLLEGE FOR CERT FEDERAL I The General Ass SEC "(b1) The	A BILL TO BE ENTITLED RECT THE NORTH CAROLINA CRIMINAL JUSTICE EDU STANDARDS COMMISSION TO COORDINATE WITH AW ENFORCEMENT OFFICERS AND WITH THE SYSTEM TO PROVIDE MULTIPLE FIREARMS QUALIFIC IFICATION TO CARRY A CONCEALED HANDGUN P LAW, AND TO EXPAND THE POWERS OF THE COMMISS Sembly of North Carolina enacts:  TION 1. G.S. 14-415.26 is amended by adding a new subsection	LOCAL AND COMMUNITY CATION SITES URSUANT TO SION. on to read:
with the commute the State where criteria required	nity college system to provide multiple firearms qualification a qualified law enforcement officer may satisfy the firear for certification under this section."	sites throughout
"(a) In ad Commission sha regulations, cert (1)	dition to powers conferred upon the Commission elsewhere in all have the following powers, which shall be enforceable throughtication procedures, or the provisions of G.S. 17C-10:  Promulgate rules and regulations for the administration of which rules may require (i) the submission by any criminal juniformation with respect to the employment, education, training of its criminal justice officers, and (ii) the submission with respect justice training programs that are required by this Chapter.	of this Chapter, ustice agency of retention, and mission by any t to its criminal
(2)	Establish minimum educational and training standards that order to qualify for entry level employment and retentio justice officer in temporary or probationary status or in a per The standards for entry level employment shall include training in response to, and investigation of, domestic violen as training in investigation for evidence-based prosecutions.	n as a criminal manent position. education and
(3)	Certify and recertify, recertify, suspend, revoke, or deny, standards that it has established for the purpose, persons as the provisions of this Chapter to be employed at entry level criminal justice officers.	qualified under
(4)	Establish minimum standards for the certification of crimina schools and programs or courses of instruction that are 1	J C



Chapter.

Certify and recertify, recertify, suspend, revoke, or deny, pursuant to the 1 (5) 2 standards that it has established for the purpose, criminal justice training 3 schools and programs or courses of instruction that are required by this 4 Chapter. 5 Establish minimum standards and levels of education and experience for all (6) 6 criminal justice instructors and school directors who participate in programs 7 or courses of instruction that are required by this Chapter. 8 Certify and recertify, recertify, suspend, revoke, or deny, pursuant to the (7) 9 standards that it has established for the purpose, criminal justice instructors 10 and school directors who participate in programs or courses of instruction that are required by this Chapter. 11 Investigate and make such evaluations as may be necessary to determine if 12 (8) 13 criminal justice agencies, schools, and individuals are complying with the provisions of this Chapter. 14 Adopt and amend bylaws, consistent with law, for its internal management 15 (9) 16 and control. 17 Enter into contracts incident to the administration of its authority pursuant to (10)this Chapter. 18 19 Establish minimum standards and levels of training for certification and (11)20 periodic recertification of operators of and instructors for training programs 21 in radio microwave, laser, and other electronic speed-measuring instruments. 22 (12)Certify and recertify, recertify, suspend, revoke, or deny, pursuant to the 23 standards that it has established, operators and instructors for training 24 programs for each approved type of radio microwave, laser, and other 25 electronic speed-measuring instruments. 26 In conjunction with the Secretary of Crime Control and Public Safety, (13)27 approve use of specific models and types of radio microwave, laser, and 28 other speed-measuring instruments and establish the procedures for 29 operation of each approved instrument and standards for calibration and 30 testing for accuracy of each approved instrument. Expired effective September 30, 2007. See note. 31 (13a)32 Establish minimum standards for in-service training for criminal justice (14)33 officers. In-service training standards shall include training in response to, 34 and investigation of, domestic violence cases, as well as training 35 investigation for evidence-based prosecutions. 36 Establish minimum standards and levels of training for certification of (15)instructors for the domestic violence training required by subdivisions (2) 37 38 and (14) of this subsection. 39 Establish standards and guidelines for the annual firearms certification of (16)qualified retired law enforcement officers, as defined in G.S. 14-415.10(4a), 40 41 to efficiently implement the provisions of G.S. 14-415.25. The standards 42 shall provide for the courses, qualifications, and the issuance of the annual 43 firearms qualification certification. The Commission may adopt any rules 44 necessary to effect the provisions of this section, and may charge a

subdivision."

**SECTION 3.** G.S. 17C-11 is amended by adding a new subsection to read: "§ 17C-11. Compliance; enforcement.

reasonable fee to applicants for the costs incurred in compliance with this

Any criminal justice officer who the Commission determines does not comply with this Chapter or any rules adopted under this Chapter shall not exercise the powers of a criminal justice officer and shall not exercise the power of arrest unless the Commission waives that

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certification or deficiency. The Commission shall enforce this section by the entry of appropriate orders effective upon service on either the criminal justice agency or the criminal justice officer.

- (a1) Any criminal justice training school, program, or course of instruction that the Commission determines does not comply with this Chapter, or any rules adopted under this Chapter, shall not continue to offer programs or courses of instruction unless the Commission waives that certification or deficiency. Any criminal justice instructor, school director, commission certified operator, and any commission certified instructor, who the Commission determines does not comply with this Chapter, or any rules adopted under this Chapter, shall not act as an instructor, school director, or operator unless the Commission waives that certification or deficiency. The Commission shall enforce this section by the entry of appropriate orders effective upon service on the criminal justice training school or the individual holding commission certification.
- (b) Any person who desires to appeal the proposed denial, suspension, or revocation of any certification authorized to be issued by the Commission shall file a written appeal with the Commission not later than 30 days following notice of denial, suspension, or revocation.
- (c) The Commission may appear in its own name and apply to courts having jurisdiction for injunctions to prevent violations of this Chapter or of rules issued pursuant thereto; specifically, the performance of criminal justice officer functions by officers or individuals who are not in compliance with the standards and requirements of G.S. 17C-6(a) and G.S. 17C-10. A single act of performance of a criminal justice officer function by an officer or individual who is performing such function in violation of this Chapter is sufficient, if shown, to invoke the injunctive relief of this section."

**SECTION 4.** This act is effective when it becomes law.