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Short Title: Military Experience/LEO Cert. Requirements.

(Public)

Sponsors:

Referred to:

April 9, 2015

A BILL TO BE ENTITLED

AN ACT TO RECOGNIZE EXPERIENCE AS MILITARY POLICE OFFICERS FOR  
PURPOSES OF LAW ENFORCEMENT CERTIFICATION AND TO INCREASE THE  
SIZE OF THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND  
TRAINING STANDARDS COMMISSION.

The General Assembly of North Carolina enacts:

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

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

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

- (1) Successfully completed a military police training program and been awarded  
a military police occupational specialty rating.
- (2) Performed military police officer duties in any of the branches of military  
service, active or reserve, or the National Guard for not less than two of the  
five years preceding the date of the application for certification as a law  
enforcement officer.
- (3) Meets the minimum standards for law enforcement officers as set out in 12  
NCAC 9B .0101 and 12 NCAC 9B .0111.

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

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



- 1           (1) Successfully completed a formal military basic training program and been  
2           awarded a military police occupational specialty rating.
- 3           (2) Engaged in the active practice of military police officer duties in any of the  
4           branches of military service, active or reserve, or the National Guard for not  
5           less than two of the five years preceding the date of the application for  
6           certification as a law enforcement officer.
- 7           (3) Meets the minimum standards for law enforcement officers as set out in 12  
8           NCAC 9B .0101 and 12 NCAC 9B .0111.
- 9           (4) Successfully completes the Legal Unit and 24 hours of training in the service  
10           of civil process in a Commission-accredited Basic Law Enforcement  
11           Training Course.
- 12           (5) Successfully completes any supplementary high-liability training as deemed  
13           necessary by the Commission, not to exceed an additional 180 hours.
- 14           (6) Obtains a passing grade on the State Comprehensive Basic Law  
15           Enforcement Training (BLET) Exam.
- 16           (d) Members of the Air/Army National Guard and Military Reserve Components who  
17           have performed as a military police officer for not less than 1,040 hours during the five years  
18           preceding the date of application shall be deemed to satisfy the requirements of subdivision (2)  
19           of subsection (a) and subdivision (2) of subsection (c) of this section.
- 20           (e) An applicant who, after completing the required training in subsection (a) or (c) of  
21           this section, fails to obtain a passing score on not more than two of the units of the  
22           comprehensive exam may be retested in the units the applicant failed. An applicant who fails  
23           three or more of the units must enroll in and successfully complete a subsequent offering of the  
24           Basic Law Enforcement Training Course in its entirety in order to be eligible to be certified.
- 25           (f) An active duty military police officer who obtains certification under this section  
26           may retain the certification for the duration of active duty provided the officer continues to  
27           serve in a military police capacity and complies with any in-service training requirements as  
28           may be required by the Commission. An active duty member who is unable to complete annual  
29           in-service requirements due to deployment or overseas assignment shall have 12 months from  
30           the time the officer returns to the United States in which to complete any required in-service  
31           training. The officer shall retain the certification for a period of one year following separation  
32           from active duty.
- 33           (g) As used in this section, the following terms mean:
- 34           (1) Branches of military service. – The United States Armed Forces: Air  
35           Force; Army; Marine; Navy; active, reserve, Air/Army National Guard  
36           components; and the Coast Guard.
- 37           (2) Combined training. – Basic military training, basic military police training,  
38           in-service or advanced military police training and, any other military  
39           training courses that may be applicable to the performance of law  
40           enforcement duties.
- 41           (3) Military police. – All law enforcement occupational classifications in the  
42           various branches of the Armed Forces, including Military Police Officer,  
43           Security Forces Specialist, Master-at-Arms, Maritime Enforcement  
44           Specialist, Boarding Officer, and Security forces.
- 45           (h) The Commission shall adopt rules to implement the provisions of this section."

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

47           **"§ 17C-3. North Carolina Criminal Justice Education and Training Standards**  
48           **Commission established; members; terms; vacancies.**

49           (a) There is established the North Carolina Criminal Justice Education and Training  
50 Standards Commission, hereinafter called "the Commission." The Commission shall be  
51 composed of ~~31~~34 members as follows:

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

1 (b) The members shall be appointed for staggered terms. The initial appointments shall  
2 be made prior to September 1, 1983, and the appointees shall hold office until July 1 of the year  
3 in which their respective terms expire and until their successors are appointed and qualified as  
4 provided hereafter:

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

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

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

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

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

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

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