

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 595
Second Edition Engrossed 4/16/15

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

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

For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Homeland Security, Military, and Veterans Affairs.

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 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 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



1 equivalent to or does not exceed the minimum expectations for employment as a law
2 enforcement officer if the applicant meets all of the following requirements:

- 3 (1) Successfully completed a formal military basic training program and been
4 awarded a military police occupational specialty rating.
5 (2) Engaged in the active practice of military police officer duties in any of the
6 branches of military service, active or reserve, or the National Guard for not
7 less than two of the five years preceding the date of the application for
8 certification as a law enforcement officer.
9 (3) Meets the minimum standards for law enforcement officers as set out in 12
10 NCAC 9B. 0101 and NCAC 9B. 0111.
11 (4) Successfully completes the Legal Unit in a Commission-accredited Basic
12 Law Enforcement Training Course and any supplementary high-liability
13 training as deemed necessary by the Commission, not to exceed an
14 additional 180 hours.
15 (5) Obtains a passing grade on the State Comprehensive Basic Law
16 Enforcement Training (BLET) Exam.

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

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

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

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

- 35 (1) Branches of military service. – The United States Armed Forces: Air
36 Force; Army; Marine; Navy; active, reserve, Air/Army National Guard
37 components and the Coast Guard.
38 (2) Combined training. – Basic military training, basic military police training,
39 in-service or advanced military police training and any other military
40 training courses that may be applicable to the performance of law
41 enforcement duties.
42 (3) Military police. – All law enforcement occupational classifications in the
43 various branches of the Armed Forces, including Military Police Officer,
44 Security Forces Specialist, Master-at-Arms, Maritime Enforcement
45 Specialist, Boarding Officer and Security forces."

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
51 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.