

12 NCAC 10B .0307 CRIMINAL HISTORY RECORD

(a) Consistent with and subject to the requirements of 12 NCAC 10B .0204, every justice officer employed or certified in North Carolina shall not have committed or been convicted by a local, state, federal, or military court of:

- (1) a felony;
- (2) a crime for which the punishment could have been imprisonment for more than two years;
- (3) a crime or unlawful act defined as a "Class B Misdemeanor" which occurred after the date of appointment;
- (4) a crime or unlawful act defined as a "Class B Misdemeanor" within the five year period prior to the date of appointment;
- (5) four or more crimes or unlawful acts defined as "Class B Misdemeanors" regardless of the date of conviction or commission;
- (6) four or more crimes or unlawful acts defined as "Class A Misdemeanors" except the applicant can be employed if the last conviction or commission occurred more than two years prior to the date of appointment;
- (7) a combination of four or more "Class A or B Misdemeanors" regardless of the date; or
- (8) for personnel who are authorized to carry a firearm in the execution of their duties, an offense that, pursuant to 18 USC 922 (g)(8), would prohibit the possession of a firearm or ammunition.

(b) 12 NCAC 10B .0103(2) defines "Commission" as a finding by the North Carolina Sheriffs' Education and Training Standards Commission or an administrative body, pursuant to the provisions of G.S. 150B, that a person performed the acts necessary to satisfy the elements of a specified criminal offense.

(c) The requirements of this Rule shall be applicable at all times during which the officer is certified by the Commission and shall also apply to all applications for certification.

*History Note: Authority G.S. 17E-7;
Eff. January 1, 1989;
Amended Eff. August 1, 2002; January 1, 1996; January 1, 1993; January 1, 1992; January 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. December 1, 2023; January 1, 2023.*