

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1078*

Short Title: Sheriffs' comm'n Amendments.

(Public)

Sponsors: Representatives Kiser; Baker, Barbee, Buchanan, Carpenter, Hardy, Justus, McCrary, McMahan, Sexton, Sherrill, Smith, and Thompson.

Referred to: Judiciary II, if favorable, Appropriations.

April 21, 1997

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE THE SHERIFFS' EDUCATION AND TRAINING
2 STANDARDS COMMISSION TO ESTABLISH MINIMUM EMPLOYMENT,
3 TRAINING, AND RETENTION STANDARDS FOR TELECOMMUNICATORS
4 AND TO APPROPRIATE FUNDS TO IMPLEMENT THE ACT.
5

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 17E-2(3) reads as rewritten:

8 "(3) 'Justice officer' means a person who, through the special trust and
9 confidence of the sheriff of the county, has taken the oath of office
10 prescribed by Chapter 11 of these statutes as a peace officer in the office
11 of a sheriff, or who has been duly appointed as a detention officer by the
12 sheriff. The term includes 'deputy sheriffs' and 'special deputy sheriffs'
13 but does not include clerical and support personnel not required to take
14 an oath. The term 'special deputy' means a person who, through
15 appointment by the sheriff, becomes an unpaid criminal justice officer
16 to perform a specific act directed to the person by the sheriff. Justice
17 officer shall also mean the administrator and the other custodial
18 personnel of district confinement facilities as defined in G.S. 153A-219.
19 Nothing in this Chapter shall transfer any supervisory or administrative

1 control of employees of district confinement facilities to the office of
2 the sheriff. ~~means:~~

- 3 a. A person who, through the special trust and confidence of the
4 sheriff, has taken the oath of office prescribed by Chapter 11 of
5 the General Statutes as a peace officer in the office of the sheriff.
6 This term includes 'deputy sheriffs', 'reserve deputy sheriffs', and
7 'special deputy sheriffs', but does not include clerical and support
8 personnel not required to take an oath. The term 'special deputy'
9 means a person who, through appointment by the sheriff,
10 becomes an unpaid criminal justice officer to perform a specific
11 act directed by the sheriff; or
- 12 b. A person who, through the special trust and confidence of the
13 sheriff, has been appointed as a detention officer by the sheriff;
14 or
- 15 c. A person who is either the administrator or other custodial
16 personnel of district confinement facilities as defined in G.S.
17 153A-219; however, nothing in this Chapter transfers any
18 supervisory or administrative control over employees of district
19 confinement facilities to the office of the sheriff; or
- 20 d. A person who, through the special trust and confidence of the
21 sheriff, is under the direct supervision and control of the sheriff
22 and serves as a telecommunicator, or who is presented to the
23 Commission for appointment as a telecommunicator by an
24 employing entity other than the sheriff for the purpose of
25 obtaining certification from the Commission as a
26 telecommunicator."

27 Section 2. G.S. 17E-7 reads as rewritten:

28 **"§ 17E-7. Required standards.**

29 (a) ~~Justice officers—officers, other than those set forth in subsection (c1) of this~~
30 ~~section,~~ shall not be required to meet any requirements of subsections (b) and (c) of this
31 section as a condition of continued employment, nor shall failure of a justice officer to
32 fulfill such requirements make him ineligible for any promotional examination for which
33 he is otherwise eligible if the officer held an appointment prior to July 1, 1983, and is a
34 sworn law-enforcement officer with power of arrest. The legislature finds, and it is
35 hereby declared to be the policy of this Chapter, that such officers have satisfied such
36 requirements by their experience. It is the intent of the Chapter that all justice officers
37 employed at the entry level after the Commission has adopted the required standards shall
38 meet the requirements of this Chapter. All justice officers who are exempted from the
39 required entry level standards by this subsection are subject to the requirements of
40 subsections (b) and (c) of this section as well as the requirements of G.S. 17E-4(a) in
41 order to retain certification.

42 (b) The Commission shall provide, by regulation, that no person may be appointed
43 as a justice officer at entry level, except on a temporary or probationary basis, unless such

1 person has satisfactorily completed an initial preparatory program of training at a school
2 certified by the Commission or has been exempted from that requirement by the
3 Commission pursuant to this Chapter. Upon separation of a justice officer from a sheriff's
4 department within the temporary or probationary period of appointment, the probationary
5 certification shall be terminated by the Commission. Upon the reappointment to the same
6 department or appointment to another department of an officer who has separated from a
7 department within the probationary period, the officer shall be charged with the amount
8 of time served during his initial appointment and allowed the remainder of the
9 probationary period to complete the basic training requirement. Upon the reappointment
10 to the same department or appointment to another department of an officer who has
11 separated from a department within the probationary period and who has remained out of
12 service for more than one year from the date of separation, the officer shall be allowed
13 another probationary period to complete such training as the Commission shall require by
14 rule for an officer returning to service.

15 (c) In addition to the requirements of subsection (b) of this section, the
16 Commission, by rules and regulations, may fix other qualifications for the employment
17 and retention of justice officers including minimum age, education, physical and mental
18 standards, citizenship, good moral character, experience, and such other matters as relate
19 to the competence and reliability of persons to assume and discharge the responsibilities
20 of the office, and the Commission shall prescribe the means for presenting evidence of
21 fulfillment of these requirements.

22 Where minimum educational standards are not met, yet the individual shows potential
23 and a willingness to achieve the standards by extra study, they may be waived by the
24 Commission for the reasonable amount of time it will take to achieve the standards
25 required. Upon petition from a sheriff, the Commission may grant a waiver of any
26 provisions of this section (17E-7) for any justice officer serving that sheriff.

27 (c1) Any justice officer appointed as a telecommunicator at the entry level after
28 October 1, 1997, shall meet all requirements of this Chapter. Any person employed in
29 the capacity of a telecommunicator as defined by the Commission on or before October
30 1, 1997, shall not be required to meet any entry-level requirements as a condition of
31 continued employment but shall be reported to the Commission for certification. All
32 justice officers who are exempted from the required entry-level standards by this
33 subsection are subject to the requirements of subsections (b) and (c) of this section as
34 well as the requirements of G.S. 17E-4(a) in order to retain certification.

35 (d) The Commission may issue a certificate evidencing satisfaction of the
36 requirements of subsections ~~(b) and (c)~~ (b), (c), and (c1) of this section to any applicant
37 who presents such evidence as may be required by its rules and regulations of satisfactory
38 completion of a program or course of instruction in another jurisdiction."

39 Section 3. There is appropriated from the General Fund to the Department of
40 Justice the sum of one hundred fifty-six thousand seven hundred thirty-one dollars
41 (\$156,731) for the 1997-98 fiscal year and the sum of one hundred thirty-two thousand
42 two hundred thirty-one dollars (\$132,231) for the 1998-99 fiscal year to fund a criminal

1 justice research associate, a processing assistant, a criminal justice instructor-coordinator,
2 and related expenses to implement this act.

3 Section 4. This act becomes effective July 1, 1997.