

12 NCAC 02I .0104 DEFINITIONS

In addition to any definitions set forth in G.S. 74E, the following definitions will apply throughout this Chapter, unless the context clearly defines otherwise:

- (1) "Agency Records" means those records specified pursuant to this Subchapter and that documentation required to be maintained and compiled under the requirements of G.S. 74E.
- (2) "Badge" means a shield bearing the title of "Company Police Officer" or "Railroad Police", "Campus Police," or "Special Police" and the name of the agency and the officer's issued identification card provided by the Attorney General which identifies the individual as a company police officer.
- (3) "Calendar Year" shall be defined solely for the purpose of in-service training as a period beginning January 1 and ending on December 31.
- (4) "Certification" means:
 - (a) company police officers - the authority granted by the North Carolina Criminal Justice Education and Training Standards Commission to those individuals who meet the minimum requirements as a sworn law enforcement officer pursuant to Title 12, Chapter 9B of the North Carolina Administrative Code.
 - (b) company police agency - the authority granted by the Attorney General to those Company Police agencies who meet the minimum requirements established for such agencies pursuant to this Chapter.
- (5) "Commission" as it pertains to criminal offenses, means a finding by 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.
- (6) "Commissioned company police officer" means those individuals authorized by the Company Police Administrator to exercise all law enforcement powers within the constraints provided in G.S. 74E and classified as a company police officer pursuant to G.S. 74E-6(b).
- (7) "Company Police Administrator" means the individual who serves as the head of the administrative staff to whom the Attorney General designated the authority to act upon any company police agency commission or company police agency certification pursuant to the provisions of G.S. 74E and the rules promulgated thereunder. Said administrator is responsible for the individual officer's or agency's compliance with the Company Police Act.
- (8) "Company Police Agency" means any public or private entity, association, corporation or company as defined by G.S. 74E-2(b).
- (9) "Conviction or convicted" means and includes, for the purposes of this Chapter, the entry of:
 - (a) a plea of guilty;
 - (b) a verdict or finding of guilty by a jury, judge, magistrate, or other duly constituted, established, and recognized adjudicating body, tribunal, or official, either civilian or military; or
 - (c) a plea of no contest, nolo contendere, or the equivalent.
- (10) "Department Head" means the chief administrator of any company police agency. The Department Head is to include the Company Police Chief or a designee formally appointed in writing as the Department Head, and who shall hold and maintain a commission as a company police officer.
- (11) "Felony" means any offense designated a felony by the laws, statutes, or ordinances of the jurisdiction in which the offense occurred.
- (12) "High School" means a school accredited as a high school by:
 - (a) the Department or Board of Education of the state in which the high school is located; or
 - (b) the recognized regional accrediting body; or
 - (c) the state university of the state in which the high school is located.
- (13) "In-Service Training" means any and all training as prescribed in 12 NCAC 2I .0202 which must be satisfactorily completed by company police officers, in accordance with the standards established therein, during each full calendar year of commissioning as a company police officer.
- (14) "Insurance Carrier" means any entity, corporation, company or professional association as defined in G.S. 58 and who is authorized by the North Carolina Commissioner of Insurance to do business in North Carolina as an insurance carrier or underwriter.
- (15) "Misdemeanor" means those criminal offenses not classified under the laws, statutes, or ordinances as felonies. Misdemeanor offenses are classified by the Criminal Justice Education and Training Standards Commission.

- (a) "Class A Misdemeanor" is defined in 12 NCAC 9A .0103(20)(a).
- (b) "Class B Misdemeanor" is defined in 12 NCAC 9A .0103(20)(b).
- (16) "On Duty" means that period of time which the commissioned company police officer is being compensated for his or her services by the officer's employer and ending once the officer's compensation for his duties terminates.

History Note: Authority G.S. 74E;
Eff. August 2, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.