

12 NCAC 10B .0206 SUMMARY SUSPENSIONS: OR DENIALS

(a) The Commission may summarily suspend or deny the certification of a justice officer or instructor when, in the opinion of the Commission, the public health, safety, or welfare requires this emergency action of summary suspension or denial. The following conditions specifically affect the public health, safety, or welfare and therefore the Commission, by and through the Director, shall utilize summary suspension or denial following a full investigation of the matter when:

- (1) the applicant for certification or the certified justice officer has committed or been convicted of a violation of the criminal code that would require a permanent revocation or denial of certification;
- (2) the justice officer has failed to comply with the training requirements of 12 NCAC 10B .0500, .0600, and .1300;
- (3) the certified justice officer or criminal justice officer fails to satisfactorily complete the minimum in-service training requirements as prescribed in 12 NCAC 10B .2000 or .2100 or 12 NCAC 09E .0100;
- (4) the applicant for certification has refused to submit to the drug screen as required in 12 NCAC 10B .0301(6) or .0406(c)(3) or in connection with an application for or certification as a justice officer or a criminal justice officer as defined in 12 NCAC 09A .0103(7); or
- (5) the applicant for certification or the certified officer has produced a positive result on any drug screen reported to the Commission as specified in 12 NCAC 10B .0410 or reported to any commission, agency, or board established to certify, pursuant to said commission, agency, or board's standards, a person as a justice officer or a criminal justice officer as defined in 12 NCAC 09A .0103(7), unless the positive result is due to a medically indicated cause.

(b) Without limiting the application of G.S. 17E, a person who has had his or her certification summarily suspended or denied may not exercise the authority or perform the duties of a justice officer during the period of suspension or denial.

*History Note: Authority G.S. 17E-8; 17E-9; 150B-3(c);
Eff. January 1, 1992;
Amended Eff. January 1, 1993;
Temporary Amendment Eff. March 1, 1998;
Amended Eff. January 1, 2013; January 1, 2008; March 1, 2005; April 1, 1999; August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. February 1, 2023.*