

SECTION .1600 – DIGITAL FORENSICS EXAMINER

14B NCAC 16 .1601 EXPERIENCE REQUIREMENTS FOR A DIGITAL FORENSICS EXAMINER LICENSE

(a) In addition to the requirements of Section .0200 of this Chapter, applicants for a Digital Forensic Examiner (D.F.E.) license shall:

- (1) establish three years of verifiable experience within the past five years conducting digital forensic examinations as defined by G.S. 74C-3(a)(5a) individually, or with any private company or federal, state, county or municipal agency;
- (2) hold a North Carolina private investigator license, or private investigator license from a state reciprocal with North Carolina, and have completed a course of instruction consisting of not less than 40 hours of live classroom and practical instruction in digital forensics, and obtained certification from a certifying entity approved by the Board within the previous two years;
- (3) establish that the applicant has been qualified as an expert witness in an area of digital forensics in a court of law using the standard set forth by the United States Supreme Court in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), and its progeny cases, within the previous three years; or
- (4) establish a military occupational specialty and two years of verifiable experience conducting digital forensics examinations within the past five years in the U.S. Armed Forces.

(b) In addition to the requirements of Section .0200 of this Chapter, an applicant for a D.F.E. license that is the spouse of an active duty member of the U.S. Armed Forces shall establish to the Board's satisfaction:

- (1) the spouse holds a current license, certification, or registration from another jurisdiction and the other jurisdiction's requirements are substantially equivalent to or exceed the Board's requirements; and
- (2) the spouse has two years of verifiable experience conducting digital forensics examinations within the past five years.

(c) Using the formula in Rule .0204(d) of this Chapter, the Board shall give credit toward the experience requirements set forth in Paragraphs (a) and (b) of this Rule as follows:

- (1) An applicant shall receive 400 hours of experience credit for an associate's degree. The Board shall grant up to 100 additional hours if the applicant can demonstrate that further training or course-work related to digital forensics examination was received while obtaining the associate's degree.
- (2) An applicant shall receive 800 hours of experience credit for a bachelor's degree. The Board shall grant up to 200 additional hours if the applicant can demonstrate that further training or course-work related to digital forensics examination was received while obtaining the bachelor's degree.
- (3) An applicant shall receive 1,200 hours of experience credit for a graduate degree. The Board shall grant an additional 300 additional hours if the applicant can demonstrate that further training or course-work related to digital forensics examination was received while obtaining the graduate degree.

*History Note: Authority G.S. 74C-5; 93B-15.1;
Temporary Adoption Eff. April 28, 2023;
Eff. November 1, 2023.*