

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**SENATE BILL 68**

Short Title: Criminal Justice Standards Commission Change. (Public)

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Sponsors: Senators Jordan; and Ballance.

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Referred to: Judiciary I.

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February 6, 2001

A BILL TO BE ENTITLED

1 AN ACT TO MAKE CHANGES TO THE MEMBERSHIP OF THE NORTH  
2 CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING  
3 STANDARDS COMMISSION, TO CLARIFY THE ENFORCEMENT POWERS  
4 OF THE COMMISSION, AND TO REPEAL THE REMOVAL OF THE  
5 DEPARTMENT OF CORRECTIONS FROM THE COMMISSION, AS  
6 RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND  
7 CRIME CONTROL OVERSIGHT COMMITTEE.

8  
9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** G.S. 17C-2(3) reads as rewritten:

11 "(3) Criminal justice officers. – The administrative and subordinate  
12 personnel of all the departments, agencies, units or entities comprising  
13 the criminal justice agencies who are sworn law-enforcement officers,  
14 both State and local, with the power of arrest; ~~revenue law~~  
15 ~~enforcement officers;~~ State correctional officers; State  
16 probation/parole officers; State probation/parole officers-surveillance;  
17 officers, supervisory and administrative personnel of local  
18 confinement facilities; ~~State youth services officers;~~ ~~State~~  
19 ~~probation/parole intake officers;~~ ~~State probation/parole officers-~~  
20 ~~surveillance;~~ ~~State probation/parole intensive officers;~~ and State parole  
21 ease analysts and State juvenile justice officers and juvenile court  
22 counselors."

23 **SECTION 2.** G.S. 17C-3 reads as rewritten:

24 "(a) There is established the North Carolina Criminal Justice Education and  
25 Training Standards Commission, hereinafter called 'the Commission.' The Commission  
26 shall be composed of ~~26~~ 31 members as follows:

- 1 (1) Police Chiefs. – Three police chiefs selected by the North Carolina  
2 Association of Chiefs of Police and one police chief appointed by the  
3 Governor.
- 4 (2) Police Officers. – Three police officials appointed by the North  
5 Carolina Police Executives Association and two criminal justice  
6 officers certified by the Commission as selected by the North Carolina  
7 Law-Enforcement Officers' Association.
- 8 (3) Departments. – The Attorney General of the State of North Carolina;  
9 the Secretary of the Department of Crime Control and Public Safety;  
10 the Secretary of the Department of Correction; the President of the  
11 ~~North Carolina System of Community Colleges~~North Carolina  
12 Community Colleges System; the Secretary of the Department of  
13 Juvenile Justice and Delinquency Prevention.
- 14 ~~(3a) A representative of the Office of Juvenile Justice.~~
- 15 (4) At-large Groups. – One individual representing and appointed by each  
16 of the following organizations: one mayor selected by the League of  
17 Municipalities; one law-enforcement training officer selected by the  
18 North Carolina Law-Enforcement Training Officers' Association; one  
19 criminal justice professional selected by the North Carolina Criminal  
20 Justice Association; one sworn law-enforcement officer selected by the  
21 North State Law-Enforcement Officers' Association; one member  
22 selected by the North Carolina Law-Enforcement Women's  
23 Association; and one District Attorney selected by the North Carolina  
24 Association of District Attorneys.
- 25 (5) Citizens and Others. – The President of The University of North  
26 Carolina; the Director of the Institute of Government; and two citizens,  
27 one of whom shall be selected by the Governor and one of whom shall  
28 be selected by the Attorney General. The General Assembly shall  
29 appoint two persons, one upon the recommendation of the Speaker of  
30 the House of Representatives and one upon the recommendation of the  
31 President Pro Tempore of the Senate. Appointments by the General  
32 Assembly shall be made in accordance with G.S. 120-122.  
33 Appointments by the General Assembly shall serve two-year terms to  
34 conclude on June 30th in odd-numbered years.
- 35 (6) Correctional Officers. – Two correctional officers in management  
36 positions employed by the Department of Correction shall be  
37 appointed, one from the Division of Community Corrections upon the  
38 recommendation of the Speaker of the House of Representatives and  
39 one from the Division of Prisons upon the recommendation of the  
40 President Pro Tempore of the Senate. Appointments by the General  
41 Assembly shall be made in accordance with G.S. 120-122.  
42 Appointments by the General Assembly shall serve two-year terms to  
43 conclude on June 30<sup>th</sup> in odd-numbered years. Two correctional  
44 officers in management positions employed by the Department of

1           Correction, one assigned to the Division of Community Corrections  
2           and the other assigned to the Division of Prisons, shall be selected by  
3           the Governor. One correctional officer employed by the Department of  
4           Correction and assigned to the Office of Staff Development and  
5           Training shall be appointed by the Secretary of Correction. These  
6           appointments by the Governor and the Secretary of Correction shall  
7           serve three-year terms.

8           (b) The members shall be appointed for staggered terms. The initial appointments  
9 shall be made prior to September 1, 1983, and the appointees shall hold office until July  
10 1 of the year in which their respective terms expire and until their successors are  
11 appointed and qualified as provided hereafter:

12           For the terms of one year: one member from subdivision (1) of subsection (a),  
13 serving as a police chief; three members from subdivision (2) of subsection (a), one  
14 serving as a police official, and two criminal justice officers; one member from  
15 subdivision (4) of subsection (a), appointed by the North Carolina Law-Enforcement  
16 Training Officers' Association; and two members from subdivision (5) of subsection (a),  
17 one appointed by the Governor and one appointed by the Attorney General.

18           For the terms of two years: one member from subdivision (1) of subsection (a),  
19 serving as a police chief; one member from subdivision (2) of subsection (a), serving as  
20 a police official; and two members from subdivision (4) of subsection (a), one appointed  
21 by the League of Municipalities and one appointed by the North Carolina Association of  
22 District Attorneys.

23           For the terms of three years: two members from subdivision (1) of subsection (a),  
24 one police chief appointed by the North Carolina Association of Chiefs of Police and  
25 one police chief appointed by the Governor; one member from subdivision (2) of  
26 subsection (a), serving as a police official; and three members from subdivision (4) of  
27 subsection (a), one appointed by the North Carolina Law-Enforcement Women's  
28 Association, one appointed by the North Carolina Criminal Justice Association, and one  
29 appointed by the North State Law-Enforcement Officers' Association.

30           Thereafter, as the term of each member expires, his successor shall be appointed for  
31 a term of three years. Notwithstanding the appointments for a term of years, each  
32 member shall serve at the will of the appointing authority.

33           The Attorney General, the Secretary of the Department of Crime Control and Public  
34 Safety, the Secretary of the Department of Correction, the President of The University  
35 of North Carolina, the Director of the Institute of Government, ~~and the President of the~~  
36 ~~Department of Community Colleges-North Carolina Community Colleges System, and~~  
37 the Secretary of the Department of Juvenile Justice and Delinquency Prevention shall be  
38 continuing members of the Commission during their tenure. These members of the  
39 Commission shall serve ex officio and shall perform their duties on the Commission in  
40 addition to the other duties of their offices. The ex officio members may elect to serve  
41 personally at any or all meetings of the Commission or may designate, in writing, one  
42 member of their respective office, department, university or agency to represent and  
43 vote for them on the Commission at all meetings the ex officio members are unable to  
44 attend.

1 Vacancies in the Commission occurring for any reason shall be filled, for the  
2 unexpired term, by the authority making the original appointment of the person causing  
3 the vacancy. A vacancy may be created by removal of a Commission member by  
4 majority vote of the Commission for misconduct, incompetence, or neglect of duty. A  
5 Commission member may be removed only pursuant to a hearing, after notice, at which  
6 the member subject to removal has an opportunity to be heard."

7 **SECTION 3.** G.S. 17C-11 reads as rewritten:

8 "**§ 17C-11. Power of the Commission to seek injunction. Compliance; enforcement.**

9 (a) Any criminal justice officer who does not comply with the provisions of this  
10 Chapter shall not be authorized to exercise the powers of a criminal justice officer and  
11 shall not be authorized to exercise the power of arrest unless such certification or  
12 deficiency has been waived by the Commission. The Commission shall enforce the  
13 provisions of this section by the entry of appropriate orders.

14 (b) Any person who desires to appeal the proposed denial, suspension, or revocation  
15 of any certification authorized to be issued by the Commission shall file a written appeal  
16 with the Commission not later than 30 days following notice of denial, suspension, or  
17 revocation.

18 (c) The Commission may appear in its own name and apply to courts having  
19 jurisdiction for injunctions to prevent violations of this Chapter or of rules issued  
20 pursuant thereto; specifically, the performance of criminal justice officer functions by  
21 officers or individuals who are not in compliance with the standards and requirements  
22 of G.S. 17C-6(a) and G.S. 17C-10. A single act of performance of a criminal justice  
23 officer function by an officer or individual who is performing such function in violation  
24 of this Chapter is sufficient, if shown, to invoke the injunctive relief of this section."

25 **SECTION 4.** Section 17.3 of S.L. 2000-67 is repealed.

26 **SECTION 5.** This act is effective June 30, 2001.