



HOUSE BILL 611: Modify Training/Standards Commissions Power.

2023-2024 General Assembly

Committee:		Date:	December 15, 2023
Introduced by:		Prepared by:	Robert Ryan
Analysis of:	S.L. 2023-56		Staff Attorney

OVERVIEW: *S.L. 2023-56 modifies the powers of the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission and provides that certain expunged crimes committed by minors cannot prevent law enforcement certification.*

This act became effective June 23, 2023.

CURRENT LAW AND BILL ANALYSIS:

Sections 1-3

Chapter 17C of the North Carolina General Statutes establishes the North Carolina Criminal Justice Education and Training Standards Commission (Criminal Justice Commission) and Chapter 17E of the North Carolina General Statutes establishes the North Carolina Sheriffs' Education and Training Standards Commission (Sheriffs' Commission) to create rules and procedures related to the selection, training, and retention of criminal justice officers.

S.L. 2023-56 clarifies that the powers granted to the Criminal Justice Commission and the Sheriffs' Commission to establish minimum education and experience levels, to establish standards related to certification, and to investigate compliance apply to not only criminal justice instructors and school directors, but also to those with probationary or limited teaching privileges, qualified assistants, in-service training coordinators, and executive officers.

S.L. 2023-56 also modifies the Sheriffs' Commission statutes to be more consistent with the Criminal Justice Commission statutes by granting them the same power to recertify, suspend, revoke, or deny certifications and clarifying that any papers, documents, or other records that are property of the Sheriffs' Commission and placed in a criminal justice officer's personnel file are subject to the same disclosure requirements regarding the privacy of personnel records as those set forth in Chapter 126 (North Carolina Human Resource Act), 153A (Counties), and 160A (Cities) of the General Statutes.

Sections 4-6

G.S. 17C-13 and G.S. 17E-12 provide that the Criminal Justice Commission and the Sheriff's Commission can consider an offense that has been expunged from a person's criminal history when considering whether to deny, suspend, or revoke a person's certification to be a law enforcement officer. G.S. 15A-145.4 and G.S. 15A-145.8A provide that a person can expunge certain offenses from their criminal history if the offense is a qualifying offense and the offense was committed before the person was 18 years of age.

S.L. 2023-53 modifies G.S. 17C-13 and G.S. 17E-12 to provide that an offense that has been expunged under G.S. 15A-145.4 or G.S. 15A-145.8A cannot provide a basis for the Criminal Justice Commission or the Sheriff's Commission to deny, suspend, or revoke a person's certification to be a law enforcement

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officer. The act makes conforming changes and provides direction to update rules implementing these changes to the General Statutes.

EFFECTIVE DATE: This act became effective June 23, 2023.