

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 650 Department or Agency Alabama Peace Officers Standards and Training Commission

Rule No. Entire Chapter 650-X-12
Rule Title: Continuing Education Requirements

 New X Amend X Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protections of the Public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

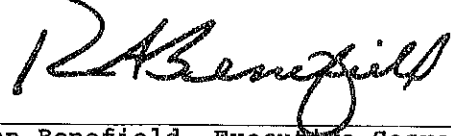
Are all the facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.



Signature of certifying officer R. Alan Benefield, Executive Secretary

Date 6/29/2017

(DATE FILED)
(STAMP)

Alabama Peace Officers Standards and Training Commission
NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama Peace Officers Standards and Training Commission

RULE NO. & TITLE:

Entire Chapter 650-X-12
Continuing Education Requirements

INTENDED ACTION:

Amend Chapter 650-X-12-01, -.02, -.03; Repeal -.04.

SUBSTANCE OF PROPOSED ACTION:

This action is proposed to amend the language of this chapter to comply with Code of Alabama 1975, §§36-21-40 et seq., and to further define the requirements for continuing education of a law enforcement officer. It clarifies the exemption from continuing education requirements for members of the military who are activated for more than six months due to a declared state of national emergency; and establishes the certification of officers who have been absent from law enforcement employment for more than ten years as void. In addition, Rule 650-X-12-.04, Firearms Qualification By Retired Certified Law Enforcement Officers, is repealed as a result of revisions to Federal law. Non-substantive changes related to sentence structure and grammar are made to clarify and better express the intent of the rules.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

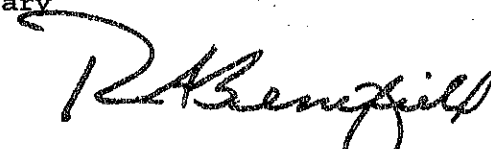
Interested parties may present their views orally or in writing to the Executive Secretary of the Alabama Peace Officers' Standards and Training Commission, Post Office Box 300075, 100 North Union Street, Suite 600, Montgomery, Alabama 36130, at any time prior to the date specified below which is more than thirty-five days following the publication of this notice.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

September 5, 2017.

CONTACT PERSON AT AGENCY:

R. Alan Benefield, Executive Secretary
(334)242-4047
apostc@apostc.alabama.gov



R. Alan Benefield, Executive Secretary

ALABAMA PEACE OFFICERS STANDARDS AND TRAINING COMMISSION
ADMINISTRATIVE CODE

CHAPTER 650-X-12
CONTINUING EDUCATION REQUIREMENTS

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650-X-12-.01 Executive Continuing Education.

(1) Each chief of police or acting chief of police of any municipality in this state must annually complete and report twenty (20) hours of executive level continuing education courses approved by the Alabama Peace Officers Standards and Training Commission.

(2) Any chief of police or acting chief of police who fails or refuses to comply with the provisions of this section or falsely reports executive training shall be subject to having his/her certification revoked by the Alabama Peace Officers Standards and Training Commission.

(3) The Alabama Peace Officers Standards and Training Commission may, for sufficient cause, grant an extension of time in which to complete said courses.

(4) Any chief of police or acting chief of police who is aggrieved by any order or ruling made under the provisions of this section shall have the same rights and procedure of appeal as from any other order or ruling of the Alabama Peace Officers Standards and Training Commission.

~~Author: Peace Officers Standards and Training Commission R. Alan Benefield, Executive Secretary~~

Statutory Authority: Code of Ala. 1975, §§36-21-51 40 et seq.

History: New Rule: Filed May 8, 1995; effective June 12, 1995. **Amended:** Filed February 4, 1999; effective March 11, 1999. **Amended:** Filed June 29, 2017

650-X-12-.02 Continuing Education.

(1) Certified law enforcement officers in this state shall annually complete and report twelve (12) hours of continuing education courses approved by the Commission.

(a) Law enforcement officer includes all officers certified by the Alabama Peace Officers Standards and Training Commission who have arrest powers to include reserve officers who are certified and have the power of arrest.

(b) In the case of law enforcement officers employed as Deputy Sheriffs by a county sheriff's office, the training shall be required only if the county commission of the county in which the officer serves adopts a resolution requiring such continuing education.

(c) No reserve deputy sheriff or auxiliary, who is a law enforcement officer, is exempt from completing the annual continuing education requirements.

(2) The Alabama Peace Officers Standards and Training Commission may, for sufficient cause, grant an extension of time in which to complete said courses.

(a) Any certified law enforcement officer who is a member of the Alabama National Guard or U.S. Military Reserve and who is ordered to active duty because of a declared state of national emergency shall be exempt from continuing education requirements while he or she is serving on active military duty, provided the certified law enforcement officer's continuing education is current and not delinquent at the time he or she is called to active military service, and further provided that the order to active duty is for a period exceeding six (6) continuous months.

(b) The Chief Law Enforcement Officer of the employing agency must file a written request to the Executive Secretary stating that the officer is currently employed and has been ordered to active military duty for a

period of time exceeding six (6) continuous months because of a declared state of national emergency. A copy of the officer's military orders shall be included with the request.

(c) This exemption shall not extend beyond twenty-four (24) months. The officer is required to complete the exempted hours of training during the first calendar year of his/her return to law enforcement officer status.

(3) A certified law enforcement officer in this state may keep up or maintain their continuing education courses for two (2) years without being employed as a law enforcement officer to allow them to re-enter the field of law enforcement without having to take the refresher training. This training will be maintained by the law enforcement officer and ~~sent~~ provided to the Alabama Peace Officers Standards and Training Commission immediately after re-employment as a law enforcement officer within the two-year period. The courses must be acceptable and approved by the Commission.

(4) After a two (2) year, but less than ten (10) year, absence from employment as a law enforcement officer in this state, a previously certified law enforcement officer in this state shall be required to apply for renewal of his/her certification which will require successful completion of an a Commission approved 80-hour academy re-certification course. A previously certified law enforcement officer in this state, who has not been employed as a law enforcement officer for two years, or more but less than ten (10) years in this state, may be provisionally appointed for six months (180 days) by the employing agency upon their submitting a notice to the Commission as required by Rule 650-X-1-.16(5) and an application for training as set out in Rule 650-X-2-.09, requesting to attend the next available 80-hour academy re-certification course. All provisional appointment restrictions apply to this applicant until completion of the academy re-certification course.

~~(5) If the Commission is unable to provide an 80-hour academy re-certification course within the state, during the six-month provisional appointment period for a previously certified officer, the commission may through the Executive Secretary extend the provisional appointment period for a period up to 180 days. After a ten (10) year~~

absence from employment, appointment or approval as a law enforcement officer in this state, a previously certified law enforcement officer's certification is deemed void and he/she may only be employed, appointed, or approved as a provisionally appointed non-certified applicant.

(a) The provisional appointment of any law enforcement officer shall be null and void at the end of ~~one year~~ six months (180 days) after appointment unless that person has completed the ~~90-hour~~ academy re-certification course. Said person shall then be required to attend the regular basic law enforcement training course ~~(480 hours)~~.

(6) Continuing Education credit may not be granted for re-certification training, i.e., i chemical aerosol, firearms qualification, defensive driving, etc.

(7) No more than six hours annually of continuing education credit may be obtained through video, computer, multi-media, or satellite-based training and the training must:

- (a) Be approved by the agency head in advance, and
- (b) Be directly related to law enforcement, and
- (c) Occur in a classroom setting, and
- (d) Have a training coordinator or department official present, and
- (e) The student achieve a minimum passing score of 70% or above on a post-viewing examination.

(8) Continuing education shall be reported to the Commission by each agency head in the manner prescribed by the Commission.

(9) Permanent training records verifying course of study, including syllabus listing instructor(s), institution sponsoring name, date and time of training and proof of officer attendance shall be maintained by the law enforcement agency. All training records shall be available to inspection and verification by the Commission.

(10) The certification of any law enforcement officer, not otherwise exempt, shall be suspended if the law

enforcement officer's continuing education becomes delinquent twenty-four (24) or more hours. The law enforcement officer shall then be required to complete the Alabama Peace Officers Standards and Training Commission ~~eighty (80) hour refresher~~ academy re-certification training program before having his/her certification reinstated. The Executive Secretary shall notify the law enforcement officer and the chief law enforcement officer of the employing agency, thirty (30) days before the effective date of said suspension.

(a) The certification of any law enforcement officer shall be automatically suspended if the law enforcement officer's employment is terminated and he/she is in violation of this section at the time of termination.

(11) Any law enforcement officer who fails or refuses to comply with the provisions of this section or who falsely reports training shall be subject to having his/her certification revoked by the Alabama Peace Officers Standards and Training Commission.

(12) Law enforcement officers who have honorably retired from law enforcement in this state, and who qualify under Title 36-21-9, Code of Alabama, with 20 years or more of service, are exempt from Sections (3) ~~and~~ , (4), and (5) of this rule.

(13) Any law enforcement officer who is aggrieved by any order or ruling made under the provisions of this section shall have the same rights and procedure of appeal as from any other order or ruling of the Alabama Peace Officers Standards and Training Commission.

Author: ~~Peace Officers Standards and Training Commission~~ R. Alan Benefield, Executive Secretary

Statutory Authority: Code of Ala. 1975, §§36-21-45, 40 et seq. 36-21-51.

History: New Rule: Filed February 4, 1999; effective March 11, 1999. **Amended:** Filed January 12, 2000; effective February 16, 2000. **Amended:** Filed September 12, 2000; effective October 17, 2000. **Amended:** Filed December 12, 2000; effective January 16, 2001. **Amended:** Filed January 15, 2002; effective February 19, 2002. **Amended:** Filed June 29, 2017

650-X-12-.03 **Firearms Requalification.** The Alabama Peace Officers Standards and Training Commission requires that

all law enforcement officers as defined in the Code of Ala. 1975, §36-21-40, subsection 4, who have been certified by APOSTC, shall successfully pass an approved firearms course annually.

(1) All law enforcement agencies or departments shall report annually to the Alabama Peace Officers Standards and Training Commission the results of firearms re-qualifications for each certified law enforcement officer on POST approved forms.

(2) The employer or appointing authority of any certified law enforcement officer, as defined by the Code of Ala. 1975, §36-21-40 may request in writing a suspension or waiver of firearms requalification if their department no longer authorizes or requires them to carry or use a firearm.

(3) Any officer who has been granted a waiver or suspension of the firearms re-qualification rule, must submit proof of firearms requalification signed by the department head, prior to again being authorized or required to carry or use a firearm.

(4) Any officer who fails to pass an annual firearms requalification course shall be subject to his/her certification being revoked.

~~Authors: John W. Anderson, Patrick L. Roberts, Peace Officers Standards and Training Commission~~ R. Alan Benefield, Executive Secretary

~~Statutory Authority: Code of Ala. 1975, §§36-21-40 et seq. 36-21-51.~~

History: New Rule: Filed April 4, 1997; effective May 9, 1997. **Amended:** Filed June 29, 2017

Ed. Note: Rule 650-X-12-.03 was previously rule 650-X-4-.08 as per certification filed April 4, 2005; effective May 9, 2005.

650-X-12-.04 ~~Firearms Qualification By Retired Certified Law Enforcement Officers.~~ REPEALED

~~(1) Any retired certified law enforcement officer who retired on pension and in good standing from his or her law enforcement agency in the State of Alabama may apply to the Commission to be tested for annual firearms qualification in accordance with the firearms qualification required of active law enforcement officers.~~

~~(2) Any retired certified law enforcement officer who was employed and certified in another State and who maintains their legal primary residence in the State of Alabama and who honorably retired on pension and in good standing with not less than fifteen (15) years of active law enforcement service prior to retirement and who possess a valid identification card issued by the law enforcement agency from which the officer retired and who meet all other requirements of 18 US Code, Section 926b and 926c, may apply to the Commission to be tested for annual firearms qualification in accordance with the firearms qualification required of active Alabama law enforcement officers.~~

~~(3) Any retired Federal law enforcement officer who was employed, trained and certified as a law enforcement officer with the power of arrest, by a law enforcement agency of the government of the United States, who meets all of the requirements of section (2) of this rule, may apply to the Commission to be tested for annual firearms qualification in accordance with the firearms qualification required of active Alabama law enforcement officers.~~

~~(4) Any retired certified law enforcement officer who meets the requirements of section (1), (2) or (3) of this Rule shall apply to the Commission in the manner prescribed by the Commission. The applicant must successfully complete the firearms qualification course of fire under the direction of a law enforcement academy designated by the Commission. The applicant shall follow all applicable rules of the Academy. The applicant shall be responsible for all cost associated with the firearms qualification. The Commission will issue a certification of firearms qualification to the applicants who successfully complete the qualification. This certification is valid for one (1) year from the date of qualification after which time it is void.~~

~~Author: Peace Officers Standards and Training Commission R. Alan Benefield, Executive Secretary~~

~~Statutory Authority: Code of Ala. 1975, §36-21-40 et seq. 7 §36-21-51.~~

~~History: New Rule: Filed April 4, 2005; effective May 9, 2005. Amended: Filed May 12, 2009; effective June 16, 2009.~~

~~Repealed: Filed June 29, 2017~~