

PROPOSED REGULATION OF THE PEACE OFFICERS' STANDARDS AND TRAINING COMMISSION

LCB File No. R075-11

NAC Chapter 289 is hereby amended by adding a new section thereto as follows:

1. *A peace officer may voluntarily surrender a basic certificate:*
 - (a) *As part of an employee termination agreement;*
 - (b) *As part of a plea bargain to a criminal charge;*
 - (c) *As part of an agreed settlement to commission action; or*
 - (d) *For any other reason.*
2. *A basic certificate may be surrendered either permanently or for a stated term.*
3. *Effective dates:*
 - (a) *The beginning date for any surrender shall be the date stated in the request or, if none, the date it was received by the commission;*
 - (b) *A certificate surrendered for a period of time shall have the ending date stated in the request; and*
 - (c) *Any request without a stated ending date shall be construed as a permanent surrender.*
4. *A peace officer may surrender any basic certificate by sending, or causing to be sent, a signed, notarized, written request to the executive director, who may accept or reject the request. The signed written request shall indicate that the officer understands and has knowledge of the consequences of the document being signed. The executive director may liberally construe the intent of any request and may, specifically, construe the surrender of any single commission issued basic certificate to be a surrender of all basic certificates held. The surrender should include a summary of the reason for the surrender.*
5. *If accepted, the peace officer is no longer certified:*
 - (a) *Effective on the beginning date of the surrender; and*
 - (b) *Except for permanent surrenders, until such person applies for and is eligible for a basic certificate.*
6. *In case of an application for a basic certificate following a voluntary surrender, the executive director:*
 - (a) *Shall not award a new basic certificate to a person who does not meet the current minimum standards for certification;*
 - (b) *Shall not award a new basic certificate of the same or any other category based solely upon a surrender:*
 - (1) *If permanent; or*
 - (2) *For a term that has not yet expired;*
 - (c) *May award a basic certificate(s) if less than 60 months has lapsed since the surrender of the basic certificate, the term of the voluntary surrender has expired, and the officer meets all of the requirements for basic certification. The executive director will notify the agency at which the officer worked at the time of, or just prior to, the voluntary surrender prior to awarding the basic certificate.*
7. *The executive director shall inform the commission of any of the following that have occurred since the last meeting:*
 - (a) *Any surrender that was accepted; and*

(b) Any application for reinstatement that was granted or denied.

8. Sixty months after the permanent surrender of a certificate(s) or voluntary surrender for a term that has expired, an officer may submit a written request to the Commission to allow him to reapply for certification. The Commission will schedule a hearing to consider whether to permit the officer to reapply for certification. The Commission will notify the agency at which the officer worked at the time of, or just prior to, the voluntary surrender. After a hearing, the Commission will determine whether to permit the officer to reapply for certification. If the officer is permitted to reapply for certification, the officer must meet the minimum standards for appointment and successfully complete all of the requirements for certification including, but not limited to, completion of a basic training course. Additionally, the Commission may establish a probationary period during which any misconduct by the officer will result in revocation of his certificate.