

**CORRECTIONS**

**THE COMMISSIONER**

**Inmate Hygiene and Grooming; Use of Tobacco Products; Inmate Identification Photographs; Housekeeping and Sanitation; Clothing, Bedding and Laundry**

**Readoption with Amendments: N.J.A.C. 10A:14**

Proposed: April 7, 2014, at 46 N.J.R. 579(a).

Adopted: August 26, 2014, by Gary M. Lanigan, Commissioner, Department of Corrections.

Filed: August 26, 2014, as R.2014 d.147, **without change**.

Authority: N.J.S.A. 30:1B-6, 30:1B-10, 26:3D-57, and 53:1-20.17 et seq.

Effective Dates: August 26, 2014, Readoption;  
October 6, 2014, Amendments.

Expiration Date: August 26, 2021.

**Summary of Public Comments and Agency Responses:**

The following individuals submitted written comments in a timely fashion. These individuals submitted one letter, which was signed by all commenters:

1. Thomas M. Flannigan, Special Treatment Unit
2. Kenneth Stahl, Special Treatment Unit
3. John Aleksiejczyk, Special Treatment Unit
4. James Fratinardo, Special Treatment Unit
5. Leon R. Woodson, Special Treatment Unit
6. Clint Walker, Special Treatment Unit
7. John [illegible]

8. Edward Salerno, Special Treatment Unit
9. Thaddeus Thomas, Special Treatment Unit
10. Rafieek Graham, Special Treatment Unit
11. Ronald Barber, Special Treatment Unit

1. COMMENT: The commenters state that the proposed regulation “should not be applicable to persons detained at the ... Special Treatment Unit” (STU) because, according to the New Jersey Sexually Violent Predator Act, they are not “inmates.” The commenters oppose the proposal.

RESPONSE: The Department acknowledges that persons committed to the STU pursuant to the New Jersey Sexually Violent Predator Act are residents and not inmates. The Department disagrees, however, that the rules pertaining to its smoking cessation policies and programs should not apply to residents in the STU. Unless otherwise stated, the provisions of Title 10A apply to inmates and STU residents alike, pursuant to N.J.A.C. 10A:1-2.1.

The Department’s non-smoking policy pertains to all NJDOC facilities, including the STU. The Department is responsible for the operation of the STU and for the custody, care, and control of STU residents. See N.J.A.C. 10A:35-1.1. Further, it should be noted that the New Jersey Smoke-Free Air Act, which prohibits indoor smoking in public places or workplaces, applies to all State buildings including the STU. Accordingly, the rules prohibiting the smoking, use, or possession of tobacco products or associated tobacco paraphernalia in all NJDOC facilities, are applicable to inmates and STU residents alike. Both inmates and STU residents are housed in NJDOC facilities. The Department notes, however, that STU residents are not subject to the provisions of N.J.A.C. 10A:4 regarding inmate discipline. See, for example, N.J.A.C. 10A:1-2.2 and 10A:4-5.1.

### **Federal Standards Statement**

The rules readopted with amendments are promulgated under the authority of the rulemaking requirements of the Department of Corrections as established at N.J.S.A. 30:1B-6 and 30:1B-10. The rules readopted with amendments are not subject to any Federal statutes, requirements, or standards; therefore, a Federal standards analysis is not required.

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 10A:14.

**Full text** of the adopted amendments follows:

TEXT