

**PUBLIC NOTICE**

**CORRECTIONS**

**THE COMMISSIONER**

**Notice of Action of Petition for Rulemaking**

**Inmate Discipline; Prohibited Acts**

**N.J.A.C. 10A:4-4.1**

Petitioner: U'Bay K. Lumumba.

**Take notice** that on November 18, 2014, the New Jersey Department of Corrections received a petition for rulemaking from the above petitioner requesting that the Department adopt an amendment to the rule listing prohibited acts. Specifically, petitioner requested that prohibited act \*803 in subsection (a) of N.J.A.C. 10A:4-4.1, Prohibited acts, be rescinded or amended to incorporate the following language:

“...absent any concrete evidence of possession or establishing actual attempting to commit any of the above acts preceded by an asterisk. Aiding another person to commit any such act or making plans to commit such acts shall be considered the same as a commission of the act itself.”

The petitioner states that “... regulation or policy should be rescinded or amended to correspond with inmates disciplinary right’s [*sic*] [to] a fair disciplinary Hearing.”

The Commissioner hereby certifies that the petition has been duly considered, and has determined that the Department shall deny the petition for formal rulemaking as the requested amendment addresses the presentation and consideration of evidence, which is addressed elsewhere in N.J.A.C. 10A.

In accordance with the provisions of N.J.S.A. 52:14B-4(f) and N.J.A.C. 1:30-4, the Department of Corrections has mailed a copy of this notice on the petition for rulemaking to the petitioner.