

## RULE PROPOSALS

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### INTERESTED PERSONS

The Department of Corrections provides notices of rule proposals in the New Jersey Register (N.J.R.), a semi-monthly official publication of the Office of Administrative Law which contains all State agency rule proposals and adoptions. The following paragraph is quoted from the Proposal section of the New Jersey Register:

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in a subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

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### CORRECTIONS

#### THE COMMISSIONER

#### Mail, Visits, and Telephone

#### Contraband and the Disposition of Contraband

#### Proposed Readoption with Amendments: N.J.A.C. 10A:18

#### Proposed Amendment: N.J.A.C. 10A:3-6.6

Authorized By: Gary M. Lanigan, Commissioner, Department of Corrections.

Authority: N.J.S.A. 30:1B-6 and 30:1B-10.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2015-059.

Submit written comments by July 31, 2015, to:

Kathleen Cullen  
Administrative Rules Unit  
Office of the Commissioner  
New Jersey Department of Corrections  
PO Box 863  
Trenton, NJ 08625-0863

or via e-mail at: [ARU@doc.nj.gov](mailto:ARU@doc.nj.gov).

The agency proposal follows:

### Summary

Pursuant to Executive Order No. 66 (1978) and N.J.S.A. 52:14B-5.1, N.J.A.C. 10A:18 expires on May 6, 2015. Pursuant to N.J.S.A. 52:14B-5.1.c(2), as the Department submitted this notice of proposal to the Office of Administrative Law prior to that date, the chapter expiration is extended 180 days to November 2, 2015. The Department has reviewed these rules and, with the exception of the amendments proposed herein, has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. The rules are, therefore, proposed for readoption at this time.

As the Department of Corrections (Department) has determined that the comment period for this notice of proposal shall be 60 days, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Subchapter 1 sets forth the general provisions for the chapter such as the purpose, scope, and definitions.

Subchapter 2 defines rules and general procedures regarding mailing and the receipt of correspondence. The proposed amendments to N.J.A.C. 10A:18-2.13 and 6.18 demonstrate the intention of the Department of Corrections to ensure depositing money order funds to inmate accounts can be accomplished with ease with the implementation of an electronic solution. N.J.A.C. 10A:18-2.13 and 6.18 have been amended as money orders will no longer be accepted either via the mail or during visits with inmates. Alternatively, an electronic mechanism for funding inmate accounts has been made available and details of that solution/service are found on the Department's website as defined in the amendments. A free option is also available in which money orders are mailed to the system vendor.

Subchapter 3 sets forth the provisions for legal correspondence.

Subchapter 4 identifies rules related to publications with respect to the source of publications, inspection of incoming and outgoing publications, as well as disapproved content and control of publications. The subchapter also sets forth appeals and final disposition of challenged publications.

Subchapter 5 addresses the manner in which packages are handled.

Subchapter 6 sets forth the rules for visits with inmates at correctional facilities.

Subchapter 7 provides rules with respect to inmate bedside visits, private viewings, and funeral visits.

Subchapter 8 identifies rules relating to, but not limited to, telephone calls, call monitoring, the cost of calls, and emergency calls.

Subchapter 9 defines restrictions on sexually oriented materials at the Adult Diagnostic and Treatment Center (A.D.T.C.).

N.J.A.C. 10A:3-6.6 addresses the confiscation and disposal of unauthorized money, unauthorized checks, or currency. Amendments are proposed to coincide with the proposed amendments to N.J.A.C. 10A:18, specifically as the amendment to N.J.A.C. 10A:18-2.13 adds money orders to the types of funds that are considered contraband. At N.J.A.C. 10A:3-6.6 (heading), 6.6(a), (a)1 through 5, (c), (e), and (g)1, amendments are proposed to add "money orders" and at N.J.A.C. 10A:3-6.6(b) and (e), the phrase "money orders and checks" is revised to "checks," thereby deleting "money orders" from these regulations.

### **Social Impact**

The rules proposed for readoption with amendments are anticipated to have an overall positive social impact. The proposed amendments are necessary to reflect the Department's current practice and procedures.

### **Economic Impact**

Additional funding is not necessary to implement the requirements of the rules proposed for readoption with amendments. The cost of meeting and maintaining the requirements of the rules proposed for readoption with amendments is met by the Department through the established budget with funds allocated by the State.

### **Federal Standards Statement**

The rules proposed for readoption 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 proposed for readoption with amendments are not subject to any Federal statutes,

requirements, or standards; therefore, a Federal standards analysis is not required.

#### **Jobs Impact**

The rules proposed for readoption with amendments will cause neither the generation nor the loss of any jobs.

#### **Agriculture Industry Impact**

The rules proposed for readoption with amendments will have no impact on the agriculture industry.

#### **Regulatory Flexibility Statement**

A regulatory flexibility analysis is not required because the rules proposed for readoption with amendments do not impose reporting, recordkeeping, or other compliance requirements on small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules proposed for readoption with amendments affect inmates, the New Jersey Department of Corrections, and governmental entities responsible for the enforcement of the rules.

#### **Housing Affordability Impact Analysis**

The rules proposed for readoption with amendments will have no impact on housing affordability and there is an extreme unlikelihood that they would evoke a change in the average cost associated with housing in New Jersey. The rules proposed for readoption with amendments concern funding inmate accounts and the confidential nature of telephone and visitor lists and logs.

#### **Smart Growth Development Impact Analysis**

The rules proposed for readoption with amendments will have no impact on smart growth development or evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey. The rules proposed for readoption with amendments concern funding inmate accounts and the confidential nature of telephone and visitor lists and logs.

**Full text** of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 10A:18.

**Full text** of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

### **CHAPTER 3**

#### **SECURITY AND CONTROL**

##### **SUBCHAPTER 6. CONTRABAND AND DISPOSITION OF CONTRABAND**

10A:3-6.6 Confiscation and disposal of unauthorized money, unauthorized checks, **money orders**, or currency

(a) All unauthorized money, unauthorized checks, **money orders**, or currency found in an inmate's possession shall be immediately seized and turned over to Central Control or Special Investigations Division together with reports required by [N.J.A.C. 10A:3-6] **this subchapter**.

1. Any inmate found to be in possession or to have control over such money, unauthorized checks, **money orders**, or currency shall be subject to disciplinary action.

2. A determination as to the manner in which the money, unauthorized checks, **money orders**, or currency has been acquired shall be made by the Disciplinary Hearing Officer/Adjustment Committee at the disciplinary hearing from the reports regarding the incident.

3. If the Disciplinary Hearing Officer/Adjustment Committee concludes that the money, checks, **money orders**, or currency is unauthorized or has been acquired through improper means, the Disciplinary Hearing Officer/Adjustment Committee shall recommend to the administration that the money, checks, **money orders**, or currency shall be forfeited by the inmate, deposited in the General Treasury Fund and recorded in the Law Enforcement Dedicated

Account of the Department of Corrections.

4. Subsequent to the Disciplinary Hearing Officer/Adjustment Committee conclusion, the money, checks, **money orders**, or currency shall be turned over to the correctional facility Business Manager with a copy of the adjudicated disciplinary report. The Business Manager will be responsible for depositing and recording the funds to the appropriate account.

5. Money, checks, **money orders**, or currency forfeited by the inmate, which is not the subject of a disciplinary action as determined by the Disciplinary Hearing Officer/Adjustment Committee or the Administrator shall be deposited in the inmate's account in accordance with N.J.A.C. 10A:2.

(b) [Money orders and checks] **Checks**, other than personal, shall be the only approved form of funds received through the mail [which] **that** can be accepted by the correctional facility for deposit in inmate accounts.

(c) All personal checks **and money orders**, whether received in the mail or brought in by visitors, shall be deemed contraband and shall not be accepted by the facility for deposit in inmate accounts.

(d) (No change.)

(e) [Money orders and checks] **Checks**, other than personal, shall be the only approved form of funds a visitor may bring to the correctional facility for deposit in an inmate account. Cash **and money orders** shall not be accepted.

(f) (No change.)

(g) The following procedures shall be utilized for disposing of the items defined as contraband:

1. All personal checks **and money orders** shall be refused if brought in by a visitor. Personal checks **and money orders** received through the mail shall be returned to the sender, at the correctional facility's expense. Personal checks **and money orders** returned via the mail shall include a note to the sender indicating that Department policy prohibits acceptance. In addition, Form 171-I (Seizure of Contraband Report) shall be filled out and a copy sent to the inmate.

2. (No change.)

## CHAPTER 18

### MAIL, VISITS, AND TELEPHONE

#### SUBCHAPTER 2. CORRESPONDENCE

##### 10A:18-2.13 Receipt of funds

(a) [Money orders and checks] **Checks**, other than personal checks, such as, but not limited to, official State or government checks or checks from a legitimate business or law practice shall be the only approved form of money received through the mail, which can be accepted by the correctional facility for deposit in an inmate's account.

(b) When an inmate receives [money orders or] checks, other than personal checks, by mail, the inmate shall be given a receipt and the funds shall be deposited into the inmate's account.

(c) All cash, **money orders**, and personal checks sent through the mail to an inmate shall be deemed contraband and processed in accordance with N.J.A.C. 10A:3-6.6.

(d) **To fund an inmate's accounts utilizing an electronic funds transfer system will require the information in (d)1 below. A link to the electronic funds transfer system can be found on the Department's website at: <http://www.state.nj.us/corrections/pages/FundOffenders.html>. This electronic transfer system enables the transfer of funds for a fee from personal computers, smartphones, via the Internet, by calling a toll free number, or on a walk-in basis at certain retail stores.**

**1. The fee to submit funds to an inmate's account utilizing the electronic transfer system varies based on the amount transferred and the method of transfer, as defined in the contract**

between the State and the system vendor. The table of fees is available on the Department's website listed in (d) above. Regardless of what method of funding is utilized under this subsection, the contributor of funds must submit and register utilizing the following:

- i. The inmate's identification number;
- ii. The contributor's name, address, and phone number;
- iii. An e-mail address and password; and
- iv. A method to transfer funds electronically (that is, a credit card or debit card).

2. Funds may also be added to an inmate's account for no fee by submitting a money order along with the form available on the Department's website at:

<http://www.state.nj.us/corrections/pages/FundOffenders.html>. The money order and deposit form must be submitted via mail to the address on the deposit form.

## SUBCHAPTER 6. VISITS

### 10A:18-6.18 Gifts of money from visitors

(a) A visitor(s) may only bring a [money order or] check, other than a personal check, such as, but not limited to, official State or government checks or checks from a legitimate business or law practice to the correctional facility for deposit in an inmate's account. Cash **and money orders** shall not be accepted.

(b) When a visitor(s) brings a [money order or] check, other than a personal check, for deposit in the inmate's account, the correctional facility shall:

1. - 4. (No change.)

(c) (No change.)

(d) To fund an inmate's accounts utilizing an electronic funds transfer system will require the information in (d)1 below. A link to the electronic funds transfer system can be found on the Department's website at: <http://www.state.nj.us/corrections/pages/FundOffenders.html>. This electronic transfer system enables the transfer of funds for a fee from personal computers, smartphones, via the Internet, by calling a toll free number, or on a walk-in basis at certain retail stores.

1. The fee to submit funds to an inmate's account utilizing the electronic transfer system varies based on the amount transferred and the method of transfer, as defined in the contract between the State and the system vendor. The table of fees is available on the Department's website listed in (d) above. Regardless of what method of funding is utilized under this subsection, the contributor of funds must submit and register utilizing the following:

- i. The inmate's identification number;
- ii. The contributor's name, address, and phone number;
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- iv. A method to transfer funds electronically (that is, a credit card or debit card).

2. Funds may also be added to an inmate's account for no fee by submitting a money order along with the form available on the Department's website at:

<http://www.state.nj.us/corrections/pages/FundOffenders.html>. The money order and deposit form must be submitted via mail to the address on the deposit form.