

**CORRECTIONS**

**THE COMMISSIONER**

**Mail, Visits, and Telephone**

**Contraband and the Disposition of Contraband**

**Readoption with Amendments: N.J.A.C. 10A:18**

**Adopted Amendment: N.J.A.C. 10A:3-6.6**

Proposed: June 1, 2015, at 47 N.J.R. 1232(a).

Adopted: October 27, 2015, by Gary M. Lanigan, Commissioner, Department of Corrections.

Filed: October 27, 2015, as R.2015 d.176, **without change**.

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

Effective Dates: October 27, 2015, Readoption;

December 7, 2015, Amendments.

Expiration Dates: February 9, 2022, N.J.A.C. 10A:3;

October 27, 2022, N.J.A.C. 10A:18.

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

Two individuals submitted comments in a timely fashion:

1. Michael Hicks
2. Inmate Legal Association, Inc., by Tivon Neals, Director

1. COMMENT: Mr. Michael Hicks requested “a public hearing on the proposed” ruleaction.

RESPONSE: The Department acknowledges the request of the commenter but must deny the request as it does not meet the criteria for a public hearing set forth in N.J.A.C. 10A:1-1.6(e). No basis for the request was provided and sufficient interest for said hearing was not attained.

2. COMMENT: Tivon Neals, Director of the Inmate Legal Association, Inc., expressed the need for amendments to the proposed ruleaction to ensure all financial and business transactions will not be hindered by the proposed rule changes. With respect to court filing fees, Mr. Neals states “All transactions between the court’s [sic] and confined persons are affected because the filing fee for any legal action will not be returned to the sender’s account in the event if a mistake ...” He also notes, “similiarly, transactions with businesses are affected as well. Legal stationary and supplies are on [sic] essential part of the preparation of legal documents hindering the purchase of these items will adversely affect access to the court ...”

RESPONSE: State and government checks (such as the courts), as well as checks from legitimate businesses (such as those supplying legal stationary and supplies) will continue to be accepted as noted in N.J.A.C. 10A:18-2.13 and 6.18. In addition, the Institutional Business Office will continue to accept money orders or certified checks payable to an authorized group or non-profit entity. Therefore, no further action is needed.

3. COMMENT: Tivon Neals, Director of the Inmate Legal Association, Inc., also expressed the need for a further amendment to the proposed ruleaction. “As a non-profit corporation, ... the Inmate Legal Association, Inc. is permitted to receive donations from the public. This rule change will affect the ability to obtain funds from outside entities.”

RESPONSE: The electronic funds transfer system described in the rulemaking involves individual inmate accounts and not authorized non-profit or authorized group accounts. The Institutional Business Office will continue to accept money orders or certified checks payable to an authorized group or authorized non-profit entity. As the ability to receive outside funds will not change no further action is necessary.

### **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:18.

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

TEXT