

PUBLIC NOTICES

CORRECTIONS

THE COMMISSIONER

Notice of Action on Petition for Rulemaking

Definition of Scanning Device and Self Defense

N.J.A.C. 10A:1-2.2 and 10A:4-9.13

Petitioner: John McGill.

Take notice that on August 26, 2016, the New Jersey Department of Corrections received a petition for rulemaking from the above petitioner requesting that the Department adopt two amendments: 1) to the existing definition of scanning/testing device at N.J.A.C. 10A:1-2.2 as the petitioner asserts such devices are unreliable; and 2) that a new rule be added at N.J.A.C. 10A:4-9.13 to allow an inmate to claim self-defense absent the use of force.

The Commissioner hereby certifies that the petition has been duly considered, and has determined that the Department shall deny the petition for formal rulemaking. The definition of scanning device set forth at N.J.A.C. 10A:1-2.2 serves the purpose for which it was intended and the rules set forth at N.J.A.C. 10A:4-9.13 provide sufficient process information for disciplinary hearing officers to consider claims of self-defense.

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.