

## **RULE PROPOSALS**

### **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. 52:14B3. 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**

#### **Fiscal Management**

**Proposed Readoption with Amendments: N.J.A.C. 10A:2**

**Proposed New Rules: N.J.A.C. 10A:2-10.5 and 10.6**

**Proposed Repeals: N.J.A.C. 10A:2-1.2, 2.4, 6.3**

Authorized By: Victoria L. Kuhn Esq., 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 2025-104.

Submit written comments by October 17, 2025, to:

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The agency proposal follows:

### **Summary**

Pursuant to N.J.S.A. 52:14B-5.1.c, N.J.A.C. 10A:2 was scheduled to expire on August 1, 2025. Pursuant to N.J.S.A. 52:14B-5.1.c(2), as the New Jersey Department of Corrections (“Department” or “NJDOC”) submitted this notice of proposal to the Office of Administrative Law prior to that date, the chapter expiration date was extended 180 days to January 28, 2026. The Department has reviewed these rules and, with the exception of the proposed amendments, repeals, and new rules, 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 with amendments, new rules, and repeals. The Department of Corrections has determined that the comment period for this notice of proposal will be 60 days; therefore, pursuant to N.J.A.C. 1:30-3.3(a)5, this notice is excepted from the rulemaking calendar requirement.

Subchapter 1 describes the purpose and definitions for terms specific to the chapter, among other things. The Department proposes to repeal N.J.A.C. 10A:2-1.2, Scope, which specifies individual divisions or work unit responsibilities and could potentially lead to costly rule changes, should internal NJDOC responsibilities change or divisions or work units be reorganized.

Subchapter 2 sets forth rules for inmate accounts, including responsibilities, deposits, deductions, and savings accounts. The Department proposes to repeal N.J.A.C. 10A:2-2.4 because administrative rules are not procedures and internal facility procedures are for internal purposes only.

Subchapter 3 sets forth rules for expenditure of income from inmate welfare accounts and includes sources of income and accountability and expenditure.

Subchapter 4 is reserved.

Subchapter 5 sets forth rules for reporting loss of funds and written report requirements for loss of funds.

Subchapter 6 sets forth rules for inmate reimbursement for lost, damaged, or destroyed personal property, including filing a claim and decision-making factors for reviewing claim forms. The Department proposes to relocate N.J.A.C. 10A:2-6.3(a) to 6.1(a), as the second sentence and to change 15 calendar days to 21 calendar days to provide a longer period for inmates to file claims. The Department proposes to relocate N.J.A.C. 10A:2-6.3(a) to 6.1(c), as the second sentence, with no change in language. As a result of these relocations, N.J.A.C. 10A:2-6.3 is proposed for repeal and the “relocated” text is proposed as new sentences in the respective sections. At N.J.A.C. 10A:2-6.4, the Department proposes to replace “written procedures” with “process” and to replace “incorporated into the next revision of” with “included in” for added accuracy.

Subchapter 7 sets forth rules for restitution for items damaged or destroyed, including appeals, amounts of restitutions, and roles in decision making.

Subchapter 8 is reserved.

Subchapter 9 sets forth rules for gifts of money from inmate to inmate organizations, gifts of vehicles or parts, gifts for capital construction, gifts for research purposes, and gifts of medical supplies or equipment, among other considerations associated with gifts. Throughout the subchapter, the Department proposes to rename the Health Services Unit to the Health Compliance Unit.

Subchapter 10 sets forth rules for grants, including responsibilities, planning, processing, post-award compliance management, and reports. A Grants Manager Unit Supervisor has

recently been assigned to oversee increases in grant activities and the addition of subgrants and the Department proposes to update the rules at N.J.A.C. 10A:2-10 to reflect those changes. New N.J.A.C. 10A:2-10.2(b) sets forth requirements for the Grants Manager Unit Supervisor. Proposed new N.J.A.C. 10A:2-10.5 sets forth the requirements for post-award compliance management of grant funding. Proposed new N.J.A.C. 10A:2-10.6 sets forth the requirements for subgrant management.

### **Social Impact**

The rules proposed for readoption with amendments, new rules, and repeals will continue to provide the Department with guidelines for the management of inmate accounts, inmate welfare funds, reporting loss of funds, reimbursement for personal property, restitution, receipt of gifts, and processing grants. The rules proposed for readoption with amendments, new rules, and repeals will assist business managers and other Departmental staff members to prudently and efficiently administer the day-to-day responsibilities of fiscal management.

### **Economic Impact**

Additional funding is not necessary to implement the requirements of the rules proposed for readoption with amendments, new rules, and repeals. The cost of meeting and maintaining the requirements of the rules proposed for readoption with amendments, repeals, and new rules is met by the Department through the established budget with funds allocated by the State and has no external economic impact.

### **Federal Standards Statement**

The rules proposed for readoption with amendments, repeals, and new rules are promulgated pursuant to the authority of the rulemaking requirements of the Department, as established at N.J.S.A. 30:1B-6 and 10. The rules proposed for readoption with amendments, new rules, and repeals 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, new rules, and repeals will cause neither the generation of, nor the loss of, any jobs.

### **Agriculture Industry Impact**

The rules proposed for readoption with amendments, new rules, and repeals 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, new rules, and repeals do not impose reporting, recordkeeping, or other compliance requirements on small businesses, as defined pursuant to the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules proposed for readoption with amendments, new rules, and repeals affect inmates, the Department, and governmental entities responsible for the enforcement of the rules.

### **Housing Affordability Impact Analysis**

The rules proposed for readoption with amendments, new rules, and repeals will have no impact on housing affordability and there is an extreme unlikelihood that the rules proposed for readoption with amendments, new rules, and repeals would evoke a change in the average costs associated with housing. The rules proposed for readoption with amendments, new rules, and repeals concern the management of inmate accounts, inmate welfare funds, reporting loss of funds, reimbursement for personal property, restitution, receipt of gifts, and processing grants. The rules proposed for readoption with amendments, new rules, and repeals will assist business managers and other Departmental staff members to prudently and efficiently administer the day-to-day responsibilities of fiscal management.

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

The rules proposed for readoption with amendments, repeals, and new rules will have no impact on the achievement of smart growth and there is an extreme unlikelihood the rules proposed for readoption with amendments, new rules, and repeals will evoke a change in housing production within Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan. The rules proposed for readoption with amendments, new rules, and repeals concern the management of inmate accounts, inmate welfare funds, reporting loss of funds, reimbursement for personal property, restitution, receipt of gifts, and processing grants. The rules proposed for readoption with amendments, new rules, and repeals will assist business managers and other Departmental staff members to prudently and efficiently administer the day-to-day responsibilities of fiscal management.

### **Racial and Ethnic Community Criminal Justice and Public Safety Impact**

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention or sentencing. Health services do not directly impact probation and potential parole and have been implemented and updated in compliance with related State laws. Accordingly, no further analysis is required.

**Full text** of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 10A:2.

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

#### **SUBCHAPTER 1. GENERAL PROVISIONS**

##### **10A:2-1.2 [Scope] (Reserved)**

[(a) N.J.A.C. 10A:2-2, 3, 5, 6, and 7 shall be applicable to the Division of Operations, New Jersey Department of Corrections.

(b) N.J.A.C. 10A:2-9 and 10 shall be applicable to all administrative units within the New Jersey Department of Corrections.]

#### **SUBCHAPTER 2 INMATE ACCOUNTS**

##### **10A:2-2.4 [Written procedures] (Reserved)**

[Each correctional facility shall develop written internal management procedures consistent with this subchapter.]

## SUBCHAPTER 6. INMATE REIMBURSEMENT FOR LOST, DAMAGED, OR DESTROYED PERSONAL PROPERTY

### 10A:2-6.1 Filing a claim at a correctional facility or satellite unit

(a) When an inmate claims the loss, damage, or destruction of personal property, other than personal property, disposed of in accordance with N.J.A.C. 10A:1-11, Personal [property of inmates] **Property of Inmates**, the inmate shall complete and submit the applicable form(s) for Inmate Claim For Lost, Damaged Or Destroyed Personal Property to the Administrator, or designee. **It shall be the responsibility of the inmate to initiate a claim by completing the applicable form(s) for an Inmate Claim For Lost, Damaged Or Destroyed Personal Property within 21 calendar days of the incident or discovery of the incident.**

(b) (No change.)

(c) Upon completion of the investigation, the applicable form(s) and a copy of the investigative report shall be submitted to the [Business Manager] **business manager**, or designee, of the correctional facility for review. **Unless there are exceptional circumstances that require extending the investigative process, the claim form and accompanying documents shall be submitted to the Director, Office of Fiscal Management, within 30 calendar days of the filing of the claim by the inmate.**

(d)-(n) (No change.)

### 10A:2-6.3 [Time limit for filing a claim] **(Reserved)**

[(a) It shall be the responsibility of the inmate to initiate a claim by completing the applicable form(s) for an Inmate Claim For Lost, Damaged Or Destroyed Personal Property within 15 calendar days of the incident or discovery of the incident.

(b) Unless there are exceptional circumstances which require extending the investigative process, the claim form and accompanying documents shall be submitted to the Director, Office of Fiscal Management within 30 calendar days of the filing of the claim by the inmate.]

### 10A:2-6.4 Notification of inmates

The [written procedures contained] **process set forth** in this subchapter shall be [incorporated into the next revision of] **included in** the correctional facility inmate handbook.

## SUBCHAPTER 9. GIFTS

### 10A:2-9.8 Gifts of medical supplies or medical equipment

(a) Prior to accepting gifts consisting of medical supplies or equipment, the Administrator or unit supervisor shall submit notification of the availability of these gifts to the Supervisor, Health [Services] **Compliance** Unit, Division of Operations.

(b) The Supervisor, Health [Services] **Compliance** Unit, Division of Operations, shall submit the notification regarding the gifts of medical supplies or equipment to the Assistant Commissioner, Division of Administration, for approval or disapproval.

- (c) The written approval or disapproval of the gift of medical supplies or equipment shall be returned to the Supervisor, Health [Services] **Compliance** Unit, Division of Operations.
- (d) The Supervisor, Health [Services] **Compliance** Unit, shall designate the appropriate placement of such approved supplies and equipment.
- (e) The Supervisor, Health [Services] **Compliance** Unit, Division of Operations, shall be responsible for accepting the gifts of medical supplies or equipment and for notifying the Administrator or unit supervisor receiving the gifts in order that arrangements for the transportation of the gifts to the correctional facility or unit may be made.

#### SUBCHAPTER 10. GRANTS

##### 10A:2-10.1 Responsibilities of the Grants Manager **Unit Supervisor**

- (a) The Grants Manager **Unit Supervisor** shall review and process proposals, concept papers, and other requests for all grants from all budgeted agencies.
- (b) The responsibilities of the Grants Manager **Unit Supervisor** shall include, but are not limited to:
  - 1. Serving as the official liaison between the Department of Corrections and all sources [which] **that** issue grants **and subgrants**;
  - 2. (No change.)
  - 3. Providing technical and other assistance to applicants for grants **and subgrants**, as indicated;
  - 4. Ensuring that applicants for grants **and subgrants** comply with Federal, State, and Department of Corrections guidelines and procedures relating to the use of grants **and subgrants**; and
  - 5. Transmitting all applications for grants **and subgrants** to the Commissioner, or designee, for review, approval, and signature.

##### 10A:2-10.2 Planning

- (a) For planning purposes, any correctional facility or administrative unit contemplating a funded project shall send an [e-mail] **email** or a memorandum containing information on the major components of the contemplated project request to the Grants Manager **Unit Supervisor** as soon as this information is available.
- (b) **The Grants Manager Unit Supervisor will facilitate planning meetings with proposed project directors to outline high level details of the grant in preparation for the Grant Review Committee and application submission.**

##### 10A:2-10.3 Procedures for processing grants

- (a) The Grants Manager **Unit Supervisor** shall process all proposals, concept papers, and funding requests to outside funding agencies. No grant application will be approved by the Commissioner unless it has been reviewed and processed by the Grants Manager **Unit Supervisor**.
- (b) Before proposals, concept papers, and grant applications are submitted to any outside agency for funding, the Grants Manager **Unit Supervisor** shall review them with regard to:
  - 1.-3. (No change.)

- (c) After reviewing the proposal, the Grants Manager **Unit Supervisor** shall contact the Project Director regarding any problems that may have developed and may suggest appropriate solutions to resolve them.
- (d) If the proposal is modified in any way, the final proposal shall be submitted to the Grants Manager **Unit Supervisor** for transmittal to the Commissioner for review, approval/disapproval, and signature.
- (e) When approved by the Commissioner, the proposal shall then be submitted to the appropriate agency by the Grants Manager **Unit Supervisor** with a copy to the Project Director.
- (f) If contracts are made with outside funding agencies, the Grants Manager **Unit Supervisor** must be aware of these contracts immediately.
- (g) After a proposal is funded, all contracts, including correspondence, with the funding agency shall be reported immediately to the Grants Manager **Unit Supervisor**.
- (h) Reports on the activities of funded projects shall be forwarded to the Grants Manager **Unit Supervisor** for transmittal to the funding agency.
- (i) The Grants Manager **Unit Supervisor** shall be informed of the intentions of the Project Director regarding future requests for continued funding of the project.

#### **10A:2-10.5 Post-award compliance management of grant funding**

**(a) The Grants Management Unit Supervisor, or designee, shall submit all required post-award reporting documents to the funding agencies for both performance measurement and fiscal compliance.**

**1. The Grants Management Unit Supervisor, or designee, will require the Project Director to collect appropriate data and complete performance metrics, as designated by the funding agency.**

**2. The Grants Management Unit Supervisor, or designee, will complete required fiscal reporting pursuant to Federal and State grant and subgrant award condition requirements.**

**3. The Grants Management Unit Supervisor, or designee, with the Project Director will complete all closeout requirements per grant and subgrant award conditions.**

#### **10A:2-10.6 Subgrant management**

**(a) The Grants Management Unit Supervisor shall manage all subgrants, designated grant-in-aid funding agreements, and/or cooperative agreement processes. No subgrant can be issued without review by the Grants Management Unit Supervisor and approval by the Commissioner, or designee.**

**(b) The Grants Management Unit Supervisor will manage the subgrant notice of grant opportunity, award, grant period compliance, and closeout process.**