

## 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.

---

### CORRECTIONS

#### THE COMMISSIONER

##### Inmate Groups

##### **Proposed Readoption with Amendments: N.J.A.C. 10A:12**

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 2024-043.

Submit written comments by June 14, 2024, to:

Kathleen Cullen

Administrative Rules Unit

New Jersey Department of Corrections

PO Box 863

Trenton, New Jersey 08625-0863

or email to: [ARU@doc.nj.gov](mailto:ARU@doc.nj.gov)

The agency proposal follows:

#### Summary

Pursuant to N.J.S.A. 52:14B-5.1.c, N.J.A.C. 10A:12 was scheduled to expire on March 17, 2024. Pursuant to N.J.S.A. 52:14B-5.1.c(2), as the Department of Corrections (Department) submitted this notice of proposal to the Office of Administrative Law prior to that date, the chapter expiration date was extended 180 days to September 13, 2024. The Department has reviewed these rules and, with the exception of the proposed amendments, 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.

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 scope of the chapter, along with definitions for terms specific to the chapter. At N.J.A.C. 10A:12-1.1, the Department proposes a technical change replacing “establish” with “set forth” since this chapter has existed for many years.

Subchapter 2 sets forth the authority and responsibilities of the Administrator for requests to establish inmate groups; inmate group participation; management of assets and financial requirements for inmate groups; requests for access to facility space and equipment; records of group activities; searches; termination of inmate groups or group activities; and prohibited inmate groups. The Department proposes a technical change to the heading at N.J.A.C. 10A:12-2.5, to add “requests for” before “access.” The section discusses inmate requests to utilize space and equipment in the correctional facility for inmate group activities, specifically, the section addresses access to facility office space which does not address the steps associated with requests to utilize space and equipment and could potentially lead to confusion, without the technical change.

Subchapter 3 sets forth the function of the Inmate Liaison Committee, its composition, its constitution and bylaws, meetings, access to facility office space, and designation of an alternative to the Inmate Liaison Committee.

### **Social Impact**

The rules proposed for readoption with amendments provide information regarding inmate groups. The Department anticipates a positive social impact as a result of the rules proposed for readoption with amendments, which provide additional socialization and communication among inmates in a structured and productive manner.

### **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 and has no external economic impact.

### **Federal Standards Statement**

The rules proposed for readoption with amendments are promulgated pursuant to the authority of the rulemaking requirements of the Department of Corrections, as established at N.J.S.A. 30:1B-6 and 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 pursuant to the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et

seq. The rules proposed for readoption with amendments affect 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 the rules proposed for readoption with amendments would evoke a change in the average costs associated with housing. The rules proposed for readoption with amendments concern inmate groups in New Jersey State correctional facilities.

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

The rules proposed for readoption with amendments will have no impact on the achievement of smart growth and there is an extreme unlikelihood the rules proposed for readoption with amendments 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 concern inmate groups in New Jersey State correctional facilities

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

The Department of Corrections has evaluated this rulemaking and determined that it will not have an impact on pretrial detention or sentencing. The rules proposed for readoption with amendments concern the inmate groups in New Jersey State correctional facilities. 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:12.

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

### SUBCHAPTER 1. GENERAL PROVISIONS

#### 10A:12-1.1 Purpose

- (a) The purpose of this chapter is to [establish] **set forth** provisions regarding:
1. - 2. (No change.)

### SUBCHAPTER 2. ORGANIZATION OF INMATE GROUPS

#### 10A:12-2.5 [Access] **Requests for access** to facility space and equipment

- (a)-(b) (No change.)