

CHAPTER 10

INTERJURISDICTIONAL AGREEMENTS AND STATUTES

Authority

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

Source and Effective Date

R.1998 d.135, effective March 16, 1998.
See: 30 N.J.R. 5(a), 30 N.J.R. 1039(b).

Executive Order No. 66(1978) Expiration Date

Chapter 10, Interjurisdictional Agreements and Statutes, expires on March 16, 2003.

Chapter Historical Note

Chapter 10, Inter-Jurisdictional Agreements and Statutes, was adopted as Subchapter 6, International Transfer, by R.1987 d.331, effective August 17, 1987. See: 19 N.J.R. 916(a), 19 N.J.R. 1650(c). Subchapter 3, Interstate Corrections Compact, was adopted as R.1991 d.586, effective December 16, 1991. See: 23 N.J.R. 2221(a), 23 N.J.R. 3756(b).

Pursuant to Executive Order No. 66(1978), Chapter 10, Inter-Jurisdictional Agreements and Statutes, was readopted as R.1992 d.310, effective July 9, 1992. See: 24 N.J.R. 1939(a), 24 N.J.R. 2731(b). Pursuant to Executive Order No. 66(1978), Chapter 10, Inter-Jurisdictional Agreements and Statutes, expired on July 9, 1997.

Chapter 10, Interjurisdictional Agreements and Statutes, was adopted as new rules by R.1998 d.135, effective March 16, 1998. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

10A:10-1.1 Purpose

(a) The purpose of this chapter is to:

1. Establish requirements for the interstate transfer of an inmate(s) for confinement in a correctional facility(ies);
2. Establish requirements for the international transfer of an inmate(s) who is a citizen of a foreign country to the country of citizenship; and
3. Establish requirements for the interstate transfer of an inmate for the purpose of disposing of charges filed against the inmate in an out-of-State jurisdiction.

Amended by R.2002 d.66, effective March 4, 2002.
See: 33 N.J.R. 3860(a), 34 N.J.R. 1030(a).
In (a), added 3.

10A:10-1.2 Scope

(a) Unless otherwise stated, N.J.A.C. 10A:10-1 and 3 shall be applicable to the New Jersey Department of Corrections and State sentenced inmates transferred or being considered for a transfer.

(b) Unless otherwise stated, N.J.A.C. 10A:10-1 and 3 shall be applicable to inmates from contracting states who are transferred outside their state of conviction to the New Jersey Department of Corrections.

(c) Unless otherwise stated, N.J.A.C. 10A:10-1 and 4 shall be applicable to an inmate against whom a detainer has been filed by an out-of-State jurisdiction.

(d) Unless otherwise stated, N.J.A.C. 10A:10-1 and 6 shall be applicable to inmates having foreign citizenship who are transferred to their countries of citizenship pursuant to the treaty that exists between the United States and the foreign country.

Amended by R.2002 d.66, effective March 4, 2002.

See: 33 N.J.R. 3860(a), 34 N.J.R. 1030(a).

Inserted new (c) and recodified former (c) as (d).

10A:10-1.3 Forms

(a) The following forms related to the Interstate Corrections Compact shall be reproduced by each correctional facility from originals that are available by contacting the Administrative Rules Unit:

1. 822-I Inmate Request for Transfer Under Interstate Corrections Compact;
2. 822-IIA Agreement of Waiver—Regarding Transfer of Custody;
3. 822-IIB Agreement of Waiver—Regarding Interstate Transfer;
4. 822-III Notice of Intent to Seek Non-Consensual Interstate Transfer;
5. 822-IV Notice of Decision Regarding Interstate Transfer;
6. 822-V Receipt for Inmate as an Interstate Transferee; and
7. 822-VI Notice of Emergency Transfer.

(b) The following forms relate to the Interstate Agreement on Detainers. Forms necessary for use by the correctional facility shall be available by contacting the Office of Interstate Services, New Jersey Department of Corrections:

1. Form 867-I Notice of Untried Indictment, Information or Complaint and of Right to Request Disposition;
2. Form 867-II Inmate's Notice of Place of Imprisonment and Request for Disposition of Indictments, Informations or Complaints;
3. Form 867-III Certificate of Inmate Status;
4. Form 867-IV Offer to Deliver Temporary Custody;
5. Form 867-V Request for Temporary Custody;
6. Form 867-VI Evidence of Agent's Authority to Act for Receiving State;

7. Form 867-VII Prosecutor's Acceptance of Temporary Custody Offered in Connection with a Prisoner's Request for Disposition of a Detainer;

8. Form 867-VIII Prosecutor's Acceptance of Temporary Custody Offered in Connection with Another Prosecutor's Request for Disposition of a Detainer; and

9. Form 867-IX Prosecutor's Report on Disposition of Charges.

(c) The following forms related to International Transfer are available by contacting the Office of Interstate Services, New Jersey Department of Corrections:

1. Form I—Transfer Inquiry;
2. Form II—Inmate Information Provided to Treaty Nation; and
3. Form III—Notice Regarding International Prisoner Transfer.

Amended by R.2002 d.66, effective March 4, 2002.

See: 33 N.J.R. 3860(a), 34 N.J.R. 1030(a).

Added a new (b) and recodified former (b) as (c).

Administrative change.

See: 35 N.J.R. 1137(a).

SUBCHAPTER 2. (RESERVED)

SUBCHAPTER 3. INTERSTATE CORRECTIONS COMPACT

10A:10-3.1 Statutory authority

(a) N.J.S.A. 30:7C-1 et seq. established the Interstate Corrections Compact which provides that the State of New Jersey may enter into a contract with any other signatory state of the United States whereby prisoners from contracting states may be transferred between such states and confined in correctional facilities outside the state of conviction on a reciprocal basis or as otherwise provided for by the contract or a rider.

(b) The Commissioner, New Jersey Department of Corrections, is the designated Administrator of the Interstate Corrections Compact. The Commissioner is authorized to designate a Deputy Compact Administrator who shall have full authority to act for the Interstate Compact Administrator in all matters pertaining to the Interstate Corrections Compact.

10A:10-3.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise:

“Legal rights” means State or Federal constitutional rights.

“Receiving state” means a state compact member of the Interstate Corrections Compact receiving an inmate transferred from a sending state.

“Sending state” means a state compact member of the Interstate Corrections Compact which is transferring an inmate committed and convicted within the sending state’s jurisdiction to another state who is a compact member.

“State” (upper case “S”) means the State of New Jersey; “state” (lower case “s”) means a state of the United States; the United States of America; a territory or possession of the United States; the District of Columbia; and the Commonwealth of Puerto Rico.

“State compact member” means any state having membership in the Interstate Corrections Compact.

10A:10-3.3 Applicability of compact

(a) The Interstate Corrections Compact is applicable to inmates under the jurisdiction of the New Jersey Department of Corrections, except those inmates sentenced under N.J.S.A. 2A:164-3 or 2C:47-1 et seq.

(b) The New Jersey Department of Corrections shall accept only adult state sentenced inmates from contracting states.

10A:10-3.4 Eligibility criteria for interstate transfer consideration

(a) Inmates considered for interstate transfer must be sentenced for a term of imprisonment such that the earliest parole or release dates are not less than one and a half years from the date of application for transfer. Exceptions to this rule shall be made on a case-by-case basis and may include:

1. Inmates in protective custody;
2. Inmates considered to be security risks;
3. Inmates who require special treatment; and/or
4. Consensual transfers.

(b) Inmates with detainers for open charges shall not be considered for interstate transfer.

(c) The types of inmates who may be considered for interstate transfers under the Interstate Corrections Compact are inmates: