

CHAPTER 6
INMATE ACCESS TO COURTS

Authority

N.J.S.A. 30:1B-6, 30:1B-10, 30:4-16 et seq. and 30:4-140 et seq.;
and 28 U.S.C. §1915.

Source and Effective Date

R.2007 d.216, effective June 18, 2007.
See: 39 N.J.R. 1228(a), 39 N.J.R. 2648(b).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 6, Inmate Access to Courts, expires on December 15, 2014. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 6, Inmate Access to Courts, was adopted as R.1987 d.444, effective November 2, 1987. See: 19 N.J.R. 914(a), 19 N.J.R. 2057(a).

Pursuant to Executive Order No. 66(1978), Chapter 6, Inmate Access to Courts, was readopted as R.1992 d.470, effective October 27, 1992. See: 24 N.J.R. 2799(a), 24 N.J.R. 4390(b).

Pursuant to Executive Order No. 66(1978), Chapter 6, Inmate Access to Courts, expired on October 27, 1997.

Chapter 6, Inmate Access to Courts, was adopted as R.1997 d.528, effective December 15, 1997. See: 29 N.J.R. 4238(a), 29 N.J.R. 5302(a).

Chapter 6, Inmate Access to Courts, was readopted as R.2002 d.189, effective May 24, 2002. As a part of R.2002 d.189, Subchapter 4, Inmate Lawsuits, was adopted as new rules, effective June 17, 2002. See: 34 N.J.R. 1079(a), 34 N.J.R. 2028(b).

Chapter 6, Inmate Access to Courts, was readopted as R.2007 d.216, effective June 18, 2007. As a part of R.2007 d.216, Subchapter 1, Introduction, was renamed General Provisions, effective July 16, 2007. See: Source and Effective Date. See, also, section annotations.

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 6, Inmate Access to Courts, was scheduled to expire on December 15, 2012. See: 43 N.J.R. 266(a).

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SUBCHAPTER 1. GENERAL PROVISIONS

10A:6-1.1 Purpose

(a) The purpose of this chapter is to establish:

1. Policies under which inmates shall be provided with access to both State and Federal courts through the use of inmate law libraries and trained inmate paralegals;
2. Procedures whereby the records of correctional facilities can be altered to reflect an inmate's new legal name; and
3. Procedures regarding inmate lawsuits.

Amended by R.2002 d.189, effective June 17, 2002.
See: 34 N.J.R. 1079(a), 34 N.J.R. 2028(b).
Added (a)3.

10A:6-1.2 Scope

Unless otherwise stated, this chapter shall be applicable to State correctional facilities under the jurisdiction of the Department of Corrections.

Repeal and New Rule R.1996 d.163, effective March 18, 1996.
See: 28 N.J.R. 25(a), 28 N.J.R. 1543(a).

Former section, "Scope", repealed.
Amended by R.1997 d.528, effective December 15, 1997.
See: 29 N.J.R. 4238(a), 29 N.J.R. 5302(a).

10A:6-1.3 Definitions

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

"Inmate law library" means an area within a correctional facility where legal reference materials are maintained and available for use by inmates in accordance with rules of the Department and internal management procedures of the correctional facility.

"Inmate paralegal" means an inmate who has been approved by the Institutional Classification Committee (I.C.C.) to render legal assistance to other inmates.

“Legal Services Coordinator” means a Department of Corrections Central Office staff person who coordinates the provision of inmate legal services with the correctional facility Administrator by ensuring correctional facilities maintain adequate legal materials in inmate law libraries and by maintaining a program for the purpose of training inmate paralegals.

“Notary service” means service provided by a notary public who is authorized by law and currently commissioned by the State Treasurer to certify or attest documents, take affidavits, administer oaths, and perform other services ordinarily performed by a notary public.

Amended by R.1992 d.60, effective February 3, 1992.
See: 23 N.J.R. 3268(a), 24 N.J.R. 467(a).

Revised definitions “legal material” and “notary service”.
Amended by R.1992 d.470, effective December 7, 1992.
See: 24 N.J.R. 2799(a), 24 N.J.R. 4390(b).

Revised definition “Legal Services Coordinator.”
Amended by R.1997 d.528, effective December 15, 1997.
See: 29 N.J.R. 4238(a), 29 N.J.R. 5302(a).

In “Legal material”, deleted the second sentence, deleted paragraph “2. Pleadings”, and recodified paragraphs 3. through 11.as 2. through 10.
Amended by R.1998 d.364, effective July 20, 1998.
See: 30 N.J.R. 1367(b), 30 N.J.R. 2618(b).

Deleted “Legal material” definition.
Amended by R.2007 d.216, effective July 16, 2007.
See: 39 N.J.R. 1228(a), 39 N.J.R. 2648(b).

Rewrote definitions “Inmate law library” and “Legal Services Coordinator”; and in definition “Notary service”, inserted “who is” and “and currently commissioned by the State Treasurer”.

SUBCHAPTER 2. INMATE LEGAL SERVICES

10A:6-2.1 Inmate access to courts

Inmates have a constitutional right of access to the courts. Correctional facility authorities shall assist inmates in the preparation and filing of meaningful legal papers by providing inmates with adequate law libraries or adequate assistance from persons trained in the law.

Amended by R.2007 d.216, effective July 16, 2007.
See: 39 N.J.R. 1228(a), 39 N.J.R. 2648(b).

Substituted “Correctional facility” for “Prison”.

10A:6-2.2 Inmate legal services

(a) Inmate legal services as established in this subchapter, which permit access to the courts, shall include the following:

1. Establishment and use of an inmate law library or access to legal reference materials;
2. Photocopying services;
3. Opportunity to make legal telephone calls;
4. Provision of supplies, such as pens and paper, when needed;
5. Use of typewriters to the extent that they are available and/or operable;
6. Notary service;

7. Assistance of inmate paralegals; and
8. Payment of postage for indigent inmates.

Petition for Rulemaking.

See: 26 N.J.R. 505(a), 26 N.J.R. 861(c), 26 N.J.R. 1400(a).

Amended by R.1994 d.410, effective August 1, 1994.

See: 26 N.J.R. 2188(a), 26 N.J.R. 3178(a).

Amended by R.1997 d.528, effective December 15, 1997.

See: 29 N.J.R. 4238(a), 29 N.J.R. 5302(a).

Rewrote (a)2.

10A:6-2.3 Availability of legal services

(a) Inmate legal services shall be available to all inmates.

(b) Based on the availability of space, supervisory staff and the security needs of the correctional facility, the Administrator or designee shall determine those inmates who may have direct personal access to legal reference materials and related services.

(c) Inmates who, in the discretion of the Administrator or designee, may not have direct personal access to legal reference materials and related services shall receive legal reference materials and related services from assigned inmate paralegals.

Amended by R.1997 d.528, effective December 15, 1997.

See: 29 N.J.R. 4238(a), 29 N.J.R. 5302(a).

Amended by R.2007 d.216, effective July 16, 2007.

See: 39 N.J.R. 1228(a), 39 N.J.R. 2648(b).

In (a), substituted “shall be” for “are”; and in (b) and (c), substituted “Administrator” for “Superintendent”.

10A:6-2.4 Inmate law library

(a) Each correctional facility Administrator or designee shall be responsible for establishing and maintaining an inmate law library and for developing internal management procedures for library use and supervision. The procedures shall specify:

1. Law library hours;
2. Number of inmates who may use the library at one time;
3. Persons responsible for the supervision of inmates;
4. Limitation(s) on removal of legal reference materials;
5. Provision of supplies such as pens and paper;
6. Typewriter and/or word processor use; and
7. Any additional rules deemed necessary by the Administrator or designee.

(b) Consideration shall be given to the following factors regarding the use of the inmate law library:

1. Space and staff limitations;
2. Availability of supplies;
3. The availability and operability of typewriters and/or word processors;

4. The secure and orderly operation of the correctional facility; and

5. The verified need of certain inmates to meet time requirements for filing legal documents.

(c) The Legal Services Coordinator, Department of Corrections is responsible for the initial purchase of legal reference materials.

(d) The initial purchase of legal reference material shall be consistent with law and correctional facility needs.

(e) The correctional facility Administrator or designee shall be responsible for the maintenance and updating of the inmate law library.

(f) Maintenance of the inmate law library includes:

1. Annual update costs; and
2. Replacement of lost or damaged volumes and legal materials.

(g) As part of the annual budget request, the Administrator or designee shall include a specific request (line item) for budgeted funds to maintain the inmate law library. An alternative source of funds shall be used for maintenance of the inmate law library if the specified budget request is reduced or eliminated.

(h) Information concerning costs and sources of legal materials may be obtained from the Legal Services Coordinator. All purchases of reference materials shall be cleared through the Legal Services Coordinator's office.

Amended by R.1992 d.470, effective December 7, 1992.
See: 24 N.J.R. 2799(a), 24 N.J.R. 4390(b).

Revised (c).

Amended by R.1997 d.528, effective December 15, 1997.
See: 29 N.J.R. 4238(a), 29 N.J.R. 5302(a).

Inserted new (a)5; recodified existing (a)5 and (a)6 as (a)6 and (a)7; inserted new (b)3; and recodified existing (b)3 and (b)4 as (b)4 and (b)5.

Amended by R.2002 d.189, effective June 17, 2002.
See: 34 N.J.R. 1079(a), 34 N.J.R. 2028(b).

Substituted "Administrator" for "Superintendent" throughout; rewrote (e) and (g).

Amended by R.2007 d.216, effective July 16, 2007.
See: 39 N.J.R. 1228(a), 39 N.J.R. 2648(b).

In (a)6 and (b)3, inserted "and/or word processor"; and in (f)2, inserted "and legal materials".

10A:6-2.5 Legal photocopying services; general provisions

(a) The Department of Corrections shall provide photocopies of legal material, as that term is defined in N.J.A.C. 10A:1-2.2 to inmates at the rate of \$.10 per page, in accordance with the guidelines and limitations set forth in this subchapter.

(b) Each correctional facility shall establish written procedures by which inmates are permitted to have legal material photocopied.

(c) At a minimum, inmates may submit legal material to be photocopied to a staff member designated by the Supervisor of Education, or an inmate paralegal under the supervision of a designated staff member, during the hours established by the Administrator or designee. The original and photocopies of the legal material shall be returned to the inmate within four business days of submission unless return of the legal material is prevented by exceptional circumstances.

Amended by R.1992 d.60, effective February 3, 1992.
See: 23 N.J.R. 3268(a), 24 N.J.R. 467(a).

Revised text.

Amended by R.1996 d.163, effective March 18, 1996.
See: 28 N.J.R. 25(a), 28 N.J.R. 1543(a).

Imposed rate of \$.10 per page.

Amended by R.1997 d.528, effective December 15, 1997.

See: 29 N.J.R. 4238(a), 29 N.J.R. 5302(a).

Amended by R.2002 d.189, effective June 17, 2002.

See: 34 N.J.R. 1079(a), 34 N.J.R. 2028(b).

In (a), amended the N.J.A.C. reference.

Amended by R.2007 d.216, effective July 16, 2007.

See: 39 N.J.R. 1228(a), 39 N.J.R. 2648(b).

In (c), substituted "established" for "prescribed" and "Administrator or designee" for "correctional facility", inserted "business", and deleted the last sentence.

Case Notes

Prison regulations entitled inmate to free copies of his medical file.
DeMarco v. Ginn, D.N.J.1990, 137 F.R.D. 214.

10A:6-2.6 Legal photocopying services for indigent inmates

(a) The Department of Corrections shall provide photocopies of legal material at no charge to the indigent inmate as defined in N.J.A.C. 10A:1-2.2, in accordance with the guidelines and limitations in this subchapter.

(b) Only legal material that must be photocopied for a legitimate purpose, related to pending litigation challenging an indigent inmate's sentence, directly or collaterally, or challenging the conditions of confinement, such as civil rights actions and/or writs of habeas corpus, will be photocopied for indigent inmates at the expense of the Department of Corrections. Such legal materials may include supporting documents, such as relevant prior correspondence and copies of receipts, which are to be attached to court documents. The legal material submitted for photocopying may be reviewed by the Supervisor of Education or designee, in order to determine whether the legal material:

1. Falls within the definition of legal material provided in N.J.A.C. 10A:1-2.2; and

2. Must be photocopied for a legitimate purpose related to pending litigation; or

3. Should be duplicated by typing instead of photocopying, as provided by (d) below.

(c) The Supervisor of Education or designee, has complete discretion in determining whether the criteria enumerated in (b) above are fulfilled. Photocopies will be limited in quantity

to the number required by the court plus one photocopy for the indigent inmate.

(d) If, in the discretion of the Supervisor of Education or designee, the legal material that the indigent inmate seeks to have photocopied should instead be duplicated by typing, the inmate shall be required to type the duplicates and the correctional facility shall not provide photocopies.

(e) Exceptional circumstances may dictate that material other than legal material would need to be photocopied. The photocopying of such material shall be handled at the discretion of the Supervisor of Education or designee.

New Rule, R.1996 d.163, effective March 18, 1996.

See: 28 N.J.R. 25(a), 28 N.J.R. 1543(a).

Amended by R.1997 d.528, effective December 15, 1997.

See: 29 N.J.R. 4238(a), 29 N.J.R. 5302(a).

In (b), added clause limiting purposes for which photocopying for inmates will be done at the expense of the Department.

Amended by R.2002 d.189, effective June 17, 2002.

See: 34 N.J.R. 1079(a), 34 N.J.R. 2028(b).

In (a), deleted "as defined in N.J.A.C. 10A:6-1.3" preceding "legal material"; in (b)1, amended the N.J.A.C. reference.

Amended by R.2007 d.216, effective July 16, 2007.

See: 39 N.J.R. 1228(a), 39 N.J.R. 2648(b).

Deleted "his or her" preceding "designee" throughout; in (b), substituted "that" for the first occurrence of "which" and "challenging" for "attacking", inserted commas following "collaterally" and "confinement" and deleted the comma following "Education"; in (c), deleted the comma following "Education"; in (d), substituted "that" for "which"; and in (e), substituted "shall be handled at" for "is left to".

10A:6-2.7 Legal photocopying services for nonindigent inmates

(a) The Department of Corrections shall provide photocopies of legal material to nonindigent inmates in accordance with the guidelines and limitations established in this subchapter.

(b) A nonindigent inmate shall be charged for the cost of all photocopying of legal material as established at N.J.A.C. 10A:6-2.5(a).

(c) If the nonindigent inmate has temporarily overdrawn his or her account or has a balance in the account, but the balance is not sufficient to pay the cost of all photocopying of legal material, the correctional facility shall:

1. Remove from the nonindigent inmate's account the amount available in accordance with (h)1 below;
2. Charge the nonindigent inmate's account the amount owed the correctional facility; and
3. Advise the nonindigent inmate in writing of the amount owed and the reason therefor.

(d) If a nonindigent inmate has insufficient funds to cover the cost of photocopying, the correctional facility shall copy only legal material that must be photocopied for a legitimate purpose related to pending litigation that directly or collaterally challenges an inmate's sentence, or that challenges the conditions of confinement, such as a civil rights action or

a writ of habeas corpus. Such legal materials may include supporting documents, such as relevant prior correspondence and copies of receipts, which are to be attached to court documents. The legal material submitted for photocopying may be reviewed by the Supervisor of Education or designee, in order to determine whether the legal material falls within the definition of legal material provided in N.J.A.C. 10A:1-2.2, and:

1. Must be photocopied for a legitimate purpose related to pending litigation; or
2. Should be duplicated by typing instead of photocopying, as provided by (f) below.

(e) The Supervisor of Education or designee, has complete discretion in determining whether the criteria enumerated in (d) above are fulfilled. Photocopies will be limited in quantity to the number required by the court plus one photocopy for the inmate.

(f) If, in the discretion of the Supervisor of Education or designee, the legal material that the inmate seeks to have photocopied should instead be duplicated by typing, the inmate shall be required to type the duplicates and the correctional facility shall not provide photocopies.

(g) Exceptional circumstances may dictate that material other than legal material would need to be photocopied. The photocopying of such material shall be permitted at the discretion of the Supervisor of Education or designee.

(h) Until the correctional facility has been reimbursed in full for the photocopying of legal material, the Business Manager or designee shall:

1. Remove from the nonindigent inmate's account any amount of funds in excess of the one time monthly amount of \$15.00 after deductions to pay court ordered penalty assessments, restitutions, fines or other revenue obligations;
2. Note in the nonindigent inmate's account each removal of funds from the inmate's account;
3. Provide to the nonindigent inmate a monthly account statement to include each removal of funds for photocopying legal materials from the nonindigent inmate's account; and
4. Reimburse to the correctional facility the funds collected from inmates for the cost of photocopying legal material. Reimbursements shall be made in accordance with applicable State and Departmental internal management procedures.

(i) In the event a nonindigent inmate is transferred to another correctional facility within the Department of Corrections, the Business Manager or designee of the sending correctional facility shall notify the Business Manager of the receiving correctional facility in writing of the remaining amount due the sending correctional facility for photocopying

of legal materials. The notification shall also request that funds continue to be removed from the nonindigent inmate's account until reimbursement has been made in full. The receiving correctional facility shall handle the collected funds in accordance with (h)4 above and shall issue a check for the funds collected from the inmate and forward the check to the sending correctional facility.

(j) Whenever a nonindigent inmate's account exceeds a \$25.00 negative balance, the Administrator or designee shall be notified.

(k) Photocopying costs are regarded as collectable, if a nonindigent inmate is paroled or released prior to making full reimbursement of funds owed for photocopying of legal materials.

(l) The Business Manager or designee shall notify in writing the Central Office Revenue Unit (CORU) of the remaining amount due the correctional facility. The CORU shall take whatever action possible to collect the photocopying funds due and forward same to the correctional facility.

New Rule, R.1996 d.163, effective March 18, 1996.
See: 28 N.J.R. 25(a), 28 N.J.R. 1543(a).
Amended by R.1997 d.528, effective December 15, 1997.
See: 29 N.J.R. 4238(a), 29 N.J.R. 5302(a).

In (d)3, provided for monthly accountings to the inmate of removal of funds for photocopying costs; deleted (d)4; and recodified existing (d)5 as (d)4.

Amended by R.2002 d.189, effective June 17, 2002.
See: 34 N.J.R. 1079(a), 34 N.J.R. 2028(b).

Rewrote the section.
Amended by R.2007 d.216, effective July 16, 2007.
See: 39 N.J.R. 1228(a), 39 N.J.R. 2648(b).

In the introductory paragraph of (d), substituted "that" for "which" following both "material" and "litigation", substituted the first occurrence of "challenges" for "attacks", inserted "that" preceding the second occurrence of "challenges", and deleted the comma following "Education"; in (d)2, substituted "(f)" for "(d)"; in (e), deleted the comma following "Education" and "his or her" preceding "designee" and substituted "(d)" for "(c)"; in (f), deleted "his or her" preceding "designee", and substituted "that" for "which"; in (g), substituted "shall be permitted at" for "is left to" and deleted "his or her" preceding "designee"; and in (h)4, substituted "procedures" for "policies".

10A:6-2.8 Legal telephone calls

(a) The Administrator or designee shall establish written internal management procedures by which inmate paralegals and/or professional staff members may place telephone calls to the following individuals or agencies for purposes of requesting assistance in legal research or preparation of legal documents for inmates:

1. The Office of the Public Defender;
2. Regional Legal Services;
3. Court Clerks;
4. Attorneys; and
5. The Office of the Corrections Ombudsman.

(b) Legal telephone calls shall not be monitored, except to determine the identity of the party called.

Amended by R.1992 d.470, effective December 7, 1992.
See: 24 N.J.R. 2799(a), 24 N.J.R. 4390(b).

Added new (a)7; redesignated existing (a)7 as (a)8.
Recodified from 10A:6-2.6 and amended by R.1996 d.163, effective March 18, 1996.

See: 28 N.J.R. 25(a), 28 N.J.R. 1543(a).

In (a) eliminated the Office of the Public Advocate and the Office of Hispanic Services.

Amended by R.1997 d.528, effective December 15, 1997.

See: 29 N.J.R. 4238(a), 29 N.J.R. 5302(a).

Deleted (a)6.

Amended by R.2002 d.189, effective June 17, 2002.

See: 34 N.J.R. 1079(a), 34 N.J.R. 2028(b).

In (a), substituted "Administrator" for "Superintendent" in the introductory paragraph.

Amended by R.2007 d.216, effective July 16, 2007.

See: 39 N.J.R. 1228(a), 39 N.J.R. 2648(b).

In the introductory paragraph of (a), substituted "internal management procedures" for "rules and regulations" and inserted "for purposes of" and "for inmates"; in (a)5, inserted "Corrections".

10A:6-2.9 Legal supplies and forms

(a) Legal supplies such as paper, carbon paper, envelopes and pens shall be provided in reasonable amounts as needed to all inmates who request them for legal purposes. All inmates may be required to justify the need for unusually large amounts of legal supplies.

(b) Frequently used legal forms and applications shall be made available through the inmate law library.

(c) Typewriters and/or word processors, to the extent that they are available and/or operable, may be provided for inmate use in the inmate law library area in Close Custody Units.

Petition for Rulemaking.

See: 26 N.J.R. 505(a), 26 N.J.R. 861(c), 26 N.J.R. 1400(a).

Amended by R.1994 d.410, effective August 1, 1994.

See: 26 N.J.R. 2188(a), 26 N.J.R. 3178(a).

Recodified from 10A:6-2.7 by R.1996 d.163, effective March 18, 1996.

See: 28 N.J.R. 25(a), 28 N.J.R. 1543(a).

Amended by R.2002 d.189, effective June 17, 2002.

See: 34 N.J.R. 1079(a), 34 N.J.R. 2028(b).

In (a), inserted "in reasonable amounts" following "shall be provided".

Amended by R.2007 d.216, effective July 16, 2007.

See: 39 N.J.R. 1228(a), 39 N.J.R. 2648(b).

Section was "Legal services". In (c), inserted "and/or word processors," and inserted the comma following "operable".

10A:6-2.10 Notary public service

(a) Each Administrator is responsible for ensuring that inmates have reasonable access to notary public services.

(b) Inmates shall not be permitted to be made notary publics, to perform notary public services or possess notary public equipment such as a seal or stamp.

Recodified from 10A:6-2.8 by R.1996 d.163, effective March 18, 1996.

See: 28 N.J.R. 25(a), 28 N.J.R. 1543(a).

Amended by R.1997 d.528, effective December 15, 1997.

See: 29 N.J.R. 4238(a), 29 N.J.R. 5302(a).

In (b), added restrictions on performing notary services and possessing a notary seal or stamp.

Amended by R.2002 d.189, effective June 17, 2002.

See: 34 N.J.R. 1079(a), 34 N.J.R. 2028(b).

In (a), substituted "Administrator" for "Superintendent".

10A:6-2.11 Inmate legal material

(a) Each inmate shall be permitted to retain personal legal material in his or her housing unit. This legal material shall be subject to contraband search only.

(b) The Administrator may establish internal management procedures that limit the accumulation of personal legal materials in an inmate's housing unit. Any limitation on the accumulation of personal legal materials shall be based on the amount in relation to:

1. Security;
2. Sanitation;
3. Fire hazard considerations; and
4. Housing unit space available.

Recodified from 10A:6-2.9 by R.1996 d.163, effective March 18, 1996.

See: 28 N.J.R. 25(a), 28 N.J.R. 1543(a).

Amended by R.2002 d.189, effective June 17, 2002.

See: 34 N.J.R. 1079(a), 34 N.J.R. 2028(b).

In (b), substituted "Administrator" for "Superintendent".

Amended by R.2007 d.216, effective July 16, 2007.

See: 39 N.J.R. 1228(a), 39 N.J.R. 2648(b).

In (a) and the introductory paragraph of (b), substituted "housing unit" for "cell"; in the introductory paragraph of (b), substituted "internal management procedures that" for "regulations which" and "shall" for "should"; and in (b)4, substituted "Housing unit" for "Cell".

10A:6-2.12 Inmate paralegals

(a) The Administrator or designee shall be responsible for establishing:

1. Criteria for considering inmates to be assigned as paralegals;
2. Duties and responsibilities of inmate paralegals; and
3. Hours which inmate paralegals will be on duty in the inmate law library and available in Close Custody Units.

(b) Inmates with the following job titles and who have successfully completed the inmate paralegal course are considered paralegals:

1. Law library clerk;
2. Legal assistant; and
3. Legal paraprofessional.

(c) The Supervisor of Education shall interview and evaluate each candidate for a paralegal position. The Supervisor of Education shall submit his or her written assessment and recommendation to the Institutional Classification Committee (I.C.C.) for approval.

(d) Unless otherwise restricted (such as, but not limited to, inmates in keep separate status), upon approval by the I.C.C., inmates with any of the titles in (b) above may render legal assistance to other inmates in accordance with the provisions of this subchapter.

(e) No inmate paralegal shall solicit or accept any form of remuneration or gift from any inmate or anyone associated with the inmate such as a family member or friend for rendering legal assistance. Acceptance of remuneration in any form will result in disciplinary action and/or referral to the I.C.C. for reconsideration of program assignment.

Recodified from 10A:6-2.10 by R.1996 d.163, effective March 18, 1996.

See: 28 N.J.R. 25(a), 28 N.J.R. 1543(a).

Amended by R.1997 d.528, effective December 15, 1997.

See: 29 N.J.R. 4238(a), 29 N.J.R. 5302(a).

In (e), added restriction on gifts or remuneration received by inmate paralegals from anyone associated with another inmate for whom legal services were rendered.

Amended by R.2002 d.189, effective June 17, 2002.

See: 34 N.J.R. 1079(a), 34 N.J.R. 2028(b).

In (a), substituted "Administrator" for "Superintendent" in the introductory paragraph.

Amended by R.2007 d.216, effective July 16, 2007.

See: 39 N.J.R. 1228(a), 39 N.J.R. 2648(b).

In (b), inserted "and who have successfully completed the inmate paralegal course"; and rewrote (d).

10A:6-2.13 Inmate paralegal training course

(a) The Legal Services Coordinator shall be responsible for training inmate paralegals.

(b) Inmate paralegals shall successfully complete an Introduction to Paralegal Functions course which includes training in:

1. Basic legal research including locator skills and determining the history of a case by using Shepard's Citators and the Shepardizing process;
2. How to Complete Legal Forms;
3. Basic Familiarity with Habeas Corpus Petitions;
4. Motions for New Trials;
5. Direct Appeals;
6. Civil Rights Actions;
7. Motions for Post-Conviction Relief;
8. Descriptions of the State and Federal Court Systems; and
9. Other actions pertaining to inmates' welfare.

(c) The course selections may be modified at the discretion of the Legal Service Coordinator.

(d) The Supervisor of Education and the Legal Services Coordinator may, at their discretion, determine that an inmate's experience, training and/or education in paralegal functions will serve as a substitute for the Introduction to Paralegal Functions course.

(e) An inmate may participate in the Legal Services Program on an internship basis with the provision that prior to becoming a designated inmate paralegal, he or she successfully completes the Introduction to Paralegal Functions course at the next course offering date.

(f) Inmate paralegals shall at all times be subject to all search and security regulations. All material the paralegal carries into Close Custody Units shall be subject to search for contraband. Legal material shall not be read or seized unless contraband is found.

Amended by R.1992 d.470, effective December 7, 1992.

See: 24 N.J.R. 2799(a), 24 N.J.R. 4390(b).

Revised (a).

Recodified from 10A:6-2.11 by R.1996 d.163, effective March 18, 1996.

See: 28 N.J.R. 25(a), 28 N.J.R. 1543(a).

Amended by R.2002 d.189, effective June 17, 2002.

See: 34 N.J.R. 1079(a), 34 N.J.R. 2028(b).

Rewrote (b)1.

Amended by R.2007 d.216, effective July 16, 2007.

See: 39 N.J.R. 1228(a), 39 N.J.R. 2648(b).

Section was "Inmate paralegal training". In (d), substituted "for" for "to"; in (e), inserted "prior to becoming a designated inmate paralegal," and "successfully", and substituted "the next course offering" for "its next offering"; and in (f), deleted commas following "paralegals" and "times", deleted "which" following "material", and substituted "or" for "nor".

10A:6-2.14 General provisions regarding legal assistance

(a) Nothing contained in this subchapter shall preclude an inmate from obtaining legal assistance from any other inmate, except that only inmates designated as paralegals:

1. Will be granted access to Close Custody Units; and
2. May act as a counsel substitute at disciplinary and other correctional facility hearings.

(b) Nothing contained in this subchapter precludes any inmate from obtaining legal assistance from an attorney.

Recodified from 10A:6-2.12 by R.1996 d.163, effective March 18, 1996.

See: 28 N.J.R. 25(a), 28 N.J.R. 1543(a).

Amended by R.1997 d.528, effective December 15, 1997.

See: 29 N.J.R. 4238(a), 29 N.J.R. 5302(a).

Amended by R.2007 d.216, effective July 16, 2007.

See: 39 N.J.R. 1228(a), 39 N.J.R. 2648(b).

Section was "General provisions". Rewrote (a).

10A:6-2.15 Written internal management procedures

(a) The Administrator or designee of each correctional facility shall ensure that written internal management procedures pursuant to this subchapter are established. These written internal management procedures shall be known as the Institutional Legal Access Plan and shall be incorporated into the next revision of the correctional facility Inmate Handbook. A copy of the written internal management procedures shall also be posted in the inmate law library.

(b) New and revised internal management procedures to the Institutional Legal Access Plan shall be posted in each housing area and in the Inmate Law Library. These revisions

shall be incorporated into the next publication of the Inmate Handbook.

Recodified from 10A:6-2.13 by R.1996 d.163, effective March 18, 1996.

See: 28 N.J.R. 25(a), 28 N.J.R. 1543(a).

Amended by R.1997 d.528, effective December 15, 1997.

See: 29 N.J.R. 4238(a), 29 N.J.R. 5302(a).

Amended by R.2007 d.216, effective July 16, 2007.

See: 39 N.J.R. 1228(a), 39 N.J.R. 2648(b).

Section was "Written policy and procedures". Substituted "internal management" for "policies and" throughout; and in (a), substituted "Administrator" for "Superintendent".

10A:6-2.16 Departmental review

Written correctional facility internal management procedures regarding Inmate Legal Services and any new internal management procedures related to this subject shall be submitted to the appropriate Assistant Commissioner or designee for review prior to implementation.

Amended by R.1992 d.470, effective December 7, 1992.

See: 24 N.J.R. 2799(a), 24 N.J.R. 4390(b).

Revised text.

Recodified from 10A:6-2.14 and amended by R.1996 d.163, effective March 18, 1996.

See: 28 N.J.R. 25(a), 28 N.J.R. 1543(a).

Amended by R.1997 d.528, effective December 15, 1997.

See: 29 N.J.R. 4238(a), 29 N.J.R. 5302(a).

Amended by R.2007 d.216, effective July 16, 2007.

See: 39 N.J.R. 1228(a), 39 N.J.R. 2648(b).

Section was "Department review". Substituted "internal management" for "policies and" twice and inserted "or designee".

SUBCHAPTER 3. RECORDING LEGAL CHANGE OF INMATE'S NAME

10A:6-3.1 Inmate responsibilities

(a) In order to have Department of Corrections' records altered to reflect a new legal name, the inmate must:

1. Legally change his or her name in accordance with N.J.S.A. 2A:52-1 et seq. and Rules of Court 4:72-1 et seq.;
2. Submit an authentic copy of the court order to the Administrator's office of the correctional facility to which he or she is assigned;
3. Submit verification, to the Administrator's office of the correctional facility, which documents that a copy of the judgment was published in a newspaper of general circulation in the inmate's county of residence within 20 days of the court judgment. The inmate's county of residence shall be considered the county of his or her last known residence as is reflected in the Department of Corrections' records, unless otherwise specified by a judge's order; and
4. Submit verification, to the Administrator's office of the correctional facility, which documents that a certified copy of the judgment was filed with the Secretary of State within 45 days of the court judgment.

Amended by R.2002 d.189, effective June 17, 2002.

See: 34 N.J.R. 1079(a), 34 N.J.R. 2028(b).

Substituted "Administrator's" for "Superintendent's" throughout.

10A:6-3.2 Amendment of correctional facility records

(a) The Administrator or designee shall order that the correctional facility records to include the computerized inmate information recordkeeping systems be amended to reflect the inmate's new legal name after the requirements of N.J.A.C. 10A:6-3.1(a) have been satisfactorily fulfilled.

(b) Each department, within the correctional facility, which maintains a record of the inmate shall be notified in writing of the inmate's new legal name. The departments shall be instructed to show the original legal name as an alias.

(c) The Administrator shall also notify the following of the inmate's name change:

1. The Offender Records Unit, Department of Corrections; and
2. The Correctional Information Services (C.I.S.) Data Base, Department of Corrections.

Administrative correction, effective January 27, 1989.

See: 21 N.J.R. 558(a).

Institutional name change.

Amended by R.1989 d.139, effective March 20, 1989.

See: 21 N.J.R. 11(a), 21 N.J.R. 766(b).

(c) Commissioner removed from list of those to be notified when an inmate changes his or her name.

Amended by R.1992 d.470, effective December 7, 1992.

See: 24 N.J.R. 2799(a), 24 N.J.R. 4390(b).

Revised heading; revised (c)1 and 2.

Amended by R.2002 d.189, effective June 17, 2002.

See: 34 N.J.R. 1079(a), 34 N.J.R. 2028(b).

Substituted "Administrator" for "Superintendent" throughout; rewrote (a); in (c), deleted "Central Office" following "Records Unit" in 1, rewrote 2 and deleted 3.

Amended by R.2007 d.216, effective July 16, 2007.

See: 39 N.J.R. 1228(a), 39 N.J.R. 2648(b).

In (a), inserted "or designee".

10A:6-3.3 "Common law" change of name

No correctional facility records shall be altered if an inmate decides to change his or her name through the "common law" practice, that is, on the inmate's own authority and without any legal court proceedings.

10A:6-3.4 Inmate handbook

The procedure whereby an inmate can legally change his or her name shall be incorporated into the Inmate Handbook.

SUBCHAPTER 4. INMATE LAWSUITS

10A:6-4.1 Filing fee for civil action or proceeding in Federal court

(a) In accordance with 28 U.S.C. § 1915, Proceedings in forma pauperis, an inmate may request to bring a civil action

in a court of the United States, or an appeal of a judgment in a civil action or proceeding in a court of the United States, without the prepayment of fees.

(b) An inmate seeking to proceed in accordance with (a) above shall submit a request to the correctional facility Business Manager for a certified copy of his or her trust fund account statement for the six-month period immediately preceding the filing of the complaint or notice of appeal. The Business Manager or designee shall provide the trust fund account statement in a timely manner.

(c) Upon receipt by the correctional facility of any court order issued pursuant to (a) above regarding the payment of filing fees, the correctional facility Business Manager shall deduct funds from the inmate's account to pay any initial partial filing fee in accordance with the terms of the court order, and the balance of any filing fee in accordance with 28 U.S.C. § 1915, N.J.A.C. 10A:2-2.2, and the terms of the court order.

10A:6-4.2 Filing fee for civil action or proceeding in State court

(a) If an inmate files an action or proceeding in any court of this State, including an appeal from an administrative decision of the State Parole Board or the Department of Corrections, the inmate may request a waiver of filing fees on the grounds of indigency. Pursuant to N.J.S.A. 30:4-16.3, a request for waiver of the filing fee shall include a certified copy of the prisoner's fund account statement for the six months immediately preceding the filing of the complaint or petition.

(b) An inmate shall obtain a certified copy of his or her prisoner's fund account statement, also known as a trust fund account statement, by submitting a written request to the correctional facility's Business Manager or designee. The Business Manager or designee shall provide the trust fund account statement in a timely manner.

(c) The Business Manager or designee shall process payment from the inmate's account for any filing fee or partial filing fee in accordance with N.J.S.A. 30:4-16.3 and the terms of the court order.

10A:6-4.3 Forfeiture of commutation credits

(a) In accordance with N.J.S.A. 30:4-16.2, if a lawsuit is filed by an inmate in any New Jersey State court to harass or retaliate against another individual, to disrupt or interfere with the operation of the correctional facility, or for some other malicious purpose, and has been determined by the New Jersey State court to be frivolous, the inmate shall be subject to loss of commutation credits authorized pursuant to N.J.S.A. 30:4-140 (see N.J.A.C. 10A:9-5.3).

(b) Upon receipt of information from the State court indicating that an action or proceeding filed by an inmate has been determined to be frivolous, the correctional facility Ad-

administrator or designee shall provide the inmate with a written notice. The written notice shall:

1. Identify the action or proceeding which has been determined to be frivolous; and
2. Set forth the number of commutation credits to be forfeited.

(c) The inmate shall have three business days within which to submit any written response to the notice of loss of commutation credits. The response shall be directed to the correctional facility Administrator or designee.

(d) If the inmate submits a written response to the notice, the Administrator or designee shall provide the inmate with a final decision regarding the loss of commutation credits within seven business days of the receipt of the inmate's written response.

(e) If the inmate does not submit a written response to the notice of loss of commutation credits, the inmate shall forfeit commutation credits in the amount indicated in the written notice.

(f) The number of commutation credits forfeited for filing a frivolous lawsuit in New Jersey State court shall not exceed 365 for any single filing.

(g) The decision of the Administrator or designee regarding the loss of commutation credits for filing a frivolous lawsuit shall be the final decision of the Department of Corrections.

10A:6-4.4 Civil action money judgment; use of funds

(a) A monetary judgment awarded to an inmate as a result of a civil action shall be deposited in the inmate's correctional facility account and, in accordance with N.J.S.A. 30:4-16.4 and N.J.A.C. 10A:2-2.2, shall be used to satisfy outstanding court-imposed obligations or claims for reimbursement for medical treatment.

(b) After satisfaction of obligations or claims set forth in (a) above, a monetary judgment awarded to an inmate as a result of a civil action that has been deposited into the inmate's correctional facility account shall be used for other revenue obligations or fees such as, but not limited to, correctional facility restitution or the cost of mailing legal correspondence for indigent inmates.