

(b) The Business Manager shall be responsible for providing an inmate with a receipt for each financial transaction processed.

10A:2-2.2 Deposits and deductions

(a) Inmate accounts of a correctional facility may be maintained in a group depository in an insured commercial bank or savings institution so long as the total fund on deposit does not exceed an amount insured by the F.D.I.C. or F.S.L.I.C.

(b) Interest accruing on inmate accounts shall be transferred on a periodic basis, at least once annually, to the Inmate Welfare Fund.

(c) Accurate records of each inmate's account and spendable balance shall be maintained.

(d) Deductions of funds either earned or unearned from inmate accounts shall be made by the Business Manager as permitted by N.J.S.A. 30:4-91.4, 2C:43-3.1 through 3.3, 2C:46-1, 2C:46-4, 30:4-92, 30:7E-1 et seq., 30:4-15.1, 30:4-16.2 and 30:4-16.4, 2C:44-6; the Prison Litigation Reform Act of 1995, 18 U.S.C. § 3626, and any other Federal or State statute to pay:

1. Court ordered payments, penalty assessments, restitution, and fines;
2. Other revenue obligations or fees;
3. Fees for medical and/or dental treatment; and
4. Fees for prescription or nonprescription drugs or medicine.

(e) Pursuant to N.J.S.A. 2C:46-1, deductions from inmate accounts shall be made by the Business Manager to pay a transaction fee not to exceed \$1.00 on each occasion a Violent Crimes Compensation Board (VCCB) penalty, forensic laboratory fee, Drug Enforcement and Demand Reduction (DEDR) penalty, restitution payment or installment payment is made by an inmate who committed an offense on or after February 1, 1993. The transaction fee schedule shall be as follows:

1. \$1.00 for payments in the amount of \$10.00 or more;
2. \$0.50 for payments between \$3.01 and \$9.99; and
3. No transaction fee if the payment is \$3.00 or less.

(f) Only nonindigent inmate funds in excess of the one time monthly amount of \$15.00 can be deducted by the Business Manager in accordance with (d) above.

(g) In accordance with N.J.S.A. 30:4-16.4, monies derived from a civil action judgment received by an inmate shall be deposited in the inmate's account at the correctional facility or regional correctional facility to which the inmate is assigned. Such monies shall be used to pay court imposed

finances, restitution or penalties which the inmate has not met; and/or may be used to satisfy any claims for reimbursement for medical treatment sought by the State or a county.

(h) Pursuant to N.J.S.A. 30:4-15.1, the Business Manager shall deduct from an inmate's account a 10 percent surcharge on the sale price of every commissary item purchase by the inmate. Pursuant to departmental internal management procedures, these collected funds shall be forwarded to the State Treasurer for deposit into the Victims of Crime Compensation Board (VCCB) account.

10A:2-2.3 Individual savings accounts

(a) Inmates may establish individual savings accounts in commercial banks or savings institutions only when all financial obligations as permitted by Federal or State statutes and financial obligations to the Department of Corrections are satisfied and upon approval of the Administrator. These accounts may take the form of:

1. Passbook savings;
2. Savings Bonds; or
3. Certificates of deposit.

(b) Subject to approval by the Administrator, inmates may be permitted to retain passbooks, account statements and deposit slips except when inmates have outstanding debts and have already established individual savings accounts. In these instances, the passbooks, account statements and deposit slips shall be retained by the Administrator or designee.

(c) Bonds and certificates of deposit must be held for safekeeping by the Business Manager.

(d) Inmates shall not be permitted to possess withdrawal slips.

(e) Withdrawals may be permitted upon written approval of the Administrator.

(f) All deposits and withdrawals shall be processed by the Business Manager or designee.

10A:2-2.4 Written procedures

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

SUBCHAPTER 3. EXPENDITURE OF INMATE WELFARE FUNDS

10A:2-3.1 Sources of income for inmate welfare funds

(a) Money for inmate welfare funds shall be derived from the following sources:

1. Profits from sales at commissaries;
2. Interest on inmate welfare fund savings;
3. Gifts from individuals, corporations and charitable foundations; and
4. Income from inmate trust fund investments.

10A:2-3.2 Accountability and expenditure

(a) The Business Manager of the correctional facility shall be responsible for maintaining inmate welfare account funds and recordkeeping.

(b) Pursuant to N.J.S.A. 30:4-1.1k, the institutional Boards of Trustees shall be responsible to control and authorize all expenditures of inmate welfare funds.

(c) Inmate welfare funds shall be spent only for the use, benefit and general welfare of the inmate population as a whole, such as, but not limited to, recreation equipment, books, movies, or equipment to enhance the law library.

(d) Inmate welfare funds shall not be used for the payment of employee salaries or the purchase of any item or service which is not intended for use by the inmate population, such as security equipment or automobiles.

(e) The Assistant Commissioner, Division of Operations, shall be contacted when there are questions regarding the use of inmate welfare funds.

(f) Gifts from individuals, corporations and charitable foundations shall be spent as designated by the donor, or when undesignated, at the discretion of the institutional Board of Trustees. The monies from these gifts shall be identified separately in the inmate welfare fund so that expenditures can be directly related to the source of funds.

(g) Inmate welfare funds shall not be spent for any purpose which is not consistent with the rules outlined in this subchapter.

(b) The Administrator or administrative unit supervisor or designee shall contact the Assistant Commissioner, Division of Administration and Special Investigations Division immediately to investigate the loss.

(c) Pursuant to N.J.A.C. 10A:21-5.4, the Special Investigations Division, at the direction of the Administrator, shall serve as the liaison to all outside law enforcement agencies.

10A:2-5.2 Written report of loss of funds

(a) Within 48 hours after the loss is discovered, a written report of the loss shall be submitted by the Administrator to the:

1. Assistant Commissioner, Division of Administration; and
2. Commissioner or designee.

(b) The Assistant Commissioner, Division of Administration or designee shall prepare and submit a request to the Bureau of Risk Management, Department of Treasury for appropriate reimbursement.

(c) If the loss is not covered by the Bureau of Risk Management, Department of Treasury, the loss shall be referred back to the Assistant Commissioner, Division of Administration or designee who shall determine the appropriate source of funds to dispose of the loss claim.

Amended by R.2002 d.65, effective March 4, 2002.
See: 33 N.J.R. 3857(a), 34 N.J.R. 1027(a).

In (a), deleted 2, recodified former 3 as 2 and added "or designee" following "Commissioner".

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, the inmate shall complete and submit Form 943 I Inmate Claim For Lost, Damaged Or Destroyed Personal Property to the Administrator or designee.

(b) The Administrator or designee shall submit Form 943 I to the Director of Custody Operations or designee for investigation and preparation of a report. The investigation conducted by the Director of Custody Operations or designee shall consist of, but not be limited to:

1. Obtaining statements from the inmate, witnesses and correctional facility staff; and

SUBCHAPTER 4. (RESERVED)

SUBCHAPTER 5. REPORTING LOSS OF FUNDS

10A:2-5.1 Reporting loss of funds

(a) Loss of funds shall immediately be reported to the Administrator or administrative unit supervisor.

2. Verifying that the inmate was authorized to have and did in fact, possess the personal property named in the claim.