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|-------|--|-------|--|
| *.216 | distribution or sale of prohibited substances such as drugs, intoxicants or related paraphernalia  | .603  | possession of gambling paraphernalia   |
| *.251 | rioting  | .651  | being unsanitary or untidy; failing to keep one's person and one's quarters in accordance with posted standards  |
| *.252 | encouraging others to riot   | .652  | tattooing or self-mutilation   |
| *.253 | engaging in, or encouraging, a group demonstration   | .701  | unauthorized use of mail or telephone  |
| .254  | refusing to work, or to accept a program or housing unit assignment  | .702  | unauthorized contacts with the public  |
| *.255 | encouraging others to refuse to work or to participate in work stoppage  | .703  | correspondence or conduct with a visitor in violation of regulations   |
| .256  | refusing to obey an order of any staff member  | *.704 | perpetrating frauds, deceptions, confidence games, riots or escape plots   |
| .257  | violating a condition of any community release program   | .705  | commencing or operating a business or group for profit or commencing or operating a nonprofit enterprise without the approval of the Administrator   |
| *.258 | refusing to submit to testing for prohibited substances  | .706  | soliciting funds and/or noncash contributions from donors within or without the correctional facility except where permitted by the Administrator.   |
| *.259 | failure to comply with an order to submit a specimen for prohibited substance testing (see N.J.A.C. 10A:3-5)   | .707  | failure to keep a scheduled appointment with medical, dental or other professional staff   |
| *.260 | refusing to submit to mandatory medical or other testing such as, but not limited to, mandatory testing required by law or court order   | *.708 | refusal to submit to a search  |
| *.261 | tampering with a test specimen   | .709  | failure to comply with a written rule or regulation of the correctional facility   |
| .301  | unexcused absence from work or any assignment; being late for work   | *.751 | giving or offering any official or staff member a bribe or anything of value   |
| .302  | malingering, feigning an illness   | .752  | giving money or anything of value to, or accepting money or anything of value from, another inmate   |
| .303  | failing to perform work as instructed by a staff member  | .753  | purchasing anything on credit  |
| .304  | using abusive or obscene language to a staff member  | .754  | giving money or anything of value to, or accepting money or anything of value from, a member of another inmate's family or another inmate's friend with an intent to circumvent any correctional facility or Departmental rule, regulation or policy or with an intent to further an illegal or improper purpose |
| .305  | lying, providing a false statement to a staff member   | .802  | attempting to commit any of the above acts, aiding another person to commit any of the above acts or making plans to commit any of the above acts shall be considered the same as a commission of the act itself   |
| *.306 | conduct which disrupts or interferes with the security or orderly running of the correctional facility   | *.803 | attempting to commit any of the above acts preceded by an asterisk, aiding another person to commit any such act or making plans to commit such acts shall be considered the same as a commission of the act itself  |
| .351  | counterfeiting, forging or unauthorized reproduction or use of any document not enumerated in prohibited act *.352   |       |  |
| *.352 | counterfeiting, forging or unauthorized reproduction or use of any classification document, court document, psychiatric, psychological or medical report, money or any other official document |       |  |
| *.360 | unlawfully obtaining or seeking to obtain personal information pertaining to an inmate's victim or the victim's family   |       |  |
| .401  | participating in an unauthorized meeting or gathering  |       |  |
| .402  | being in an unauthorized area  |       |  |
| .451  | failure to follow safety or sanitation regulations   |       |  |
| .452  | using any equipment or machinery which is not specifically authorized  |       |  |
| .453  | using any equipment or machinery contrary to instructions or posted safety standards   |       |  |
| .501  | failing to stand count   |       |  |
| .502  | interfering with the taking of count   |       |  |
| *.551 | making intoxicants, alcoholic beverages or prohibited substances such as narcotics and controlled dangerous substances or making related paraphernalia   |       |  |
| *.552 | being intoxicated  |       |  |
| .552A | being intoxicated while the inmate is assigned to a Residential Community Program  |       |  |
| .553  | smoking where prohibited   |       |  |
| .554  | possession of tobacco products or matches where not permitted  |       |  |
| .601  | gambling   |       |  |
| .602  | preparing or conducting a gambling pool  |       |  |

Notice of Correction: Asterisk was omitted for \*.306.

See: 18 N.J.R. 2138(d).

Amended by R.1987 d.154, effective April 6, 1987.

See: 19 N.J.R. 178(a), 19 N.J.R. 534(a).

Added \*.008 abuse/cruelty to animals.

Notice of Correction: .352 was omitted from the end of .351.

See: 19 N.J.R. 1658(c).

Amended by R.1991 d.276, effective June 3, 1991.

See: 23 N.J.R. 658(a), 23 N.J.R. 1797(b).

Added .150 and amended \*.151.

Administrative Corrections in (a): In .150 corrected suppressant.

See: 24 N.J.R. 2731(a).

Amended by R.1993 d.488, effective October 4, 1993.

See: 25 N.J.R. 3416(a), 25 N.J.R. 4599(a).

Administrative Correction.

See: 26 N.J.R. 1228(a).

Amended by R.1994 d.254, effective May 16, 1994.

See: 26 N.J.R. 1286(a), 26 N.J.R. 2129(a).

Amended by R.1994 d.264, effective June 6, 1994.

See: 26 N.J.R. 1287(a), 26 N.J.R. 2285(b).

Amended by R.1995 d.237, effective May 1, 1995.

See: 27 N.J.R. 436(a), 27 N.J.R. 1801(c).

Amended by R.1996 d.209, effective May 6, 1996 (operative August 19, 1996).

See: 28 N.J.R. 763(a), 28 N.J.R. 2387(b).

In (a) added refusing a breathalyzer test.

Amended by R.1996 d.237, effective May 20, 1996.

See: 28 N.J.R. 1464(a), 28 N.J.R. 2555(b).

In (a) added exception for on-the-spot corrections, in .254 added refusal of housing unit assignment, and deleted provision for transfer to the Vroom Readjustment Unit.

Petition for Rulemaking: Notice of Receipt of and Action on a Petition for Rulemaking.

See: 29 N.J.R. 813(b), 29 N.J.R. 948(a).

Amended by R.1997 d.225, effective June 2, 1997.

See: 29 N.J.R. 834(a), 29 N.J.R. 2562(b).

In (a), inserted "260 refusing to submit to mandatory medical testing".

Amended by R.1997 d.276, effective July 7, 1997.

See: 29 N.J.R. 1663(a), 29 N.J.R. 2836(a).

In Schedule of Prohibited Acts, added .261 (tampering with a urine specimen).

Amended by R.1997 d.325, effective August 4, 1997.

See: 29 N.J.R. 2542(a), 29 N.J.R. 3452(a).

In (a), upgraded .150 (tampering with fire alarms, fire equipment or fire suppressant equipment) and .154 (tampering with or blocking any locking device) into asterisk offenses.

Amended by R.1998 d.366, effective July 20, 1998.

See: 30 N.J.R. 1719(a), 30 N.J.R. 2619(a).

Inserted new prohibited acts .010 and .011.

Amended by R.1999 d.333, effective October 4, 1999.

See: 31 N.J.R. 1847(a), 31 N.J.R. 2891(a).

In (a), in prohibited act .351, inserted an asterisk preceding ".352", and inserted prohibited act .360.

Petition for Rulemaking.

See: 32 N.J.R. 3668(a).

Amended by R.2004 d.3, effective January 5, 2004.

See: 35 N.J.R. 4168(a), 36 N.J.R. 195(a).

Amended prohibited act 260 to include references to mandatory testing.

Amended by R.2004 d.294, effective August 2, 2004.

See: 36 N.J.R. 1657(a), 36 N.J.R. 3552(a).

Inserted ".204A" and "552A".

Emergency amendment, R.2005 d.435, effective November 15, 2005, (to expire January 14, 2006).

See: 37 N.J.R. 4575(a).

In (a), prohibited act \*.009, substituted "," for "or" in two places and added "distribution, sale, or intent to distribute or sell, an" "communication device," "or peripheral that is capable of transmitting, receiving or storing data and/or electronically transmitting a message, image or data that is" and "(see "electronic communication device" definition at N.J.A.C. 10A:1-2.2)."

Adopted concurrent amendment, R.2006 d.58, effective January 11, 2006.

See: 37 N.J.R. 4575(a), 38 N.J.R. 993(a).

Provisions of R.2005, d.435, adopted without change.

Amended by R.2006 d.398, effective November 20, 2006.

See: 38 N.J.R. 3121(a), 38 N.J.R. 4867(a).

In entry ".652" in table in (a), substituted "self-mutilation" for "self mutilation", and in entry ".705" in table in (a), substituted "Administrator" for "Superintendent".

Amended by R.2009 d.237, effective August 3, 2009.

See: 41 N.J.R. 1645(a), 41 N.J.R. 2925(a).

In the entry for "054" in (a), inserted "or any refusal to register as required by law".

Amended by R.2009 d.236, effective August 3, 2009.

See: 41 N.J.R. 1649(a), 41 N.J.R. 2927(a).

In (a), added the entry for ".009A".

Petition for Rulemaking

See: 47 N.J.R. 233(e).

#### Cross References

Possession of inter-office envelopes, see N.J.A.C. 10A:18-2.26, 10A:18-3.13.

#### Case Notes

Punishment of Christian Scientist inmate who refused to submit to tuberculosis test furthered compelling state interest in preventing spread of tuberculosis in prison, as would justify such test's substantial burden on inmate's right of free exercise of religion under Religious Freedom Restoration Act. *Karolis v. New Jersey Dept. of Corrections*, D.N.J. 1996, 935 F.Supp. 523.

Department of Corrections was authorized to discipline a prisoner, who tested positive for cocaine and opiates upon his return to a State prison after escaping from a halfway house, for violating the Department's regulation prohibiting the use of drugs; under N.J.S.A. 30:1B-3 and N.J.S.A. 30:4-91.3, the Commissioner of Corrections maintains authority over adult offenders committed to State correctional institutions, even at times when they are physically outside prison walls. *Ries v. Dep't of Corr.*, 396 N.J. Super. 235, 933 A.2d 638, 2007 N.J. Super. LEXIS 328 (App.Div. 2007).

Contact-visit loss component of zero tolerance drug-alcohol policy was enforceable against inmate who violated disciplinary rule prohibiting possession of drugs after announcement of policy but before formal amendment of regulation. *Walker v. Department of Corrections*, 324 N.J. Super. 109, 734 A.2d 795 (N.J. Super. A.D. 1999).

Standard embodied in inmate disciplinary rule prohibiting using abusive or obscene language to staff member was not valid basis for imposing disciplinary punishment for inmate's vulgar and offensive statement in context of psychotherapy that was not threatening or exhortative of disobedience or violence. *Pryor v. New Jersey Dept. of Corrections*, 288 N.J. Super. 355, 672 A.2d 717 (A.D.1996).

Amendment to administrative code that added refusal to register as sex offender to list of prohibited acts was not unconstitutional. *A.F. v. Fauver*, 287 N.J. Super. 354, 671 A.2d 155 (A.D.1996).

Determination whether remark constitutes threat; objective analysis whether remark conveys basis for fear. *Jacobs v. Stephens*, 139 N.J. 212, 652 A.2d 712 (1995).

Finding that inmate threatened guard with bodily harm was supported by evidence. *Jacobs v. Stephens*, 139 N.J. 212, 652 A.2d 712 (1995).

Prison officials' decision to place inmate in nonpunitive management control unit was supported by record. *Taylor v. Beyer*, 265 N.J. Super. 345, 627 A.2d 166 (A.D.1993).

State prison sanctions for infractions only applicable if county inmate notified of infractions. *Bryan v. Department of Corrections*, 258 N.J. Super. 546, 610 A.2d 889 (A.D.1992).

Procedural safeguards not properly applied in prison disciplinary proceeding involving confidential informant. *Fisher v. Hundley*, 240 N.J. Super. 156, 572 A.2d 1174 (A.D.1990).

Information provided by confidential informant for use in prison disciplinary hearing must be part of confidential record. *Fisher v. Hundley*, 240 N.J. Super. 156, 572 A.2d 1174 (A.D.1990).

New prison disciplinary hearing required when procedural safeguards were absent in first hearing or in presence of newly discovered evidence. *Fisher v. Hundley*, 240 N.J. Super. 156, 572 A.2d 1174 (A.D.1990).

#### 10A:4-4.2 Reports to the prosecutor on prohibited acts

All prohibited acts which may constitute crimes of the first, second, third or fourth degree under the Criminal Code of the State of New Jersey (N.J.S.A. 2C:1-1 et seq.) shall be referred to the prosecutor of the county in which the correctional facility is located. (See N.J.A.C. 10A:21 Reporting Violations of the Criminal Statutes.)