

**CHAPTER 9  
CLASSIFICATION PROCESS**

**Authority**

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

**Source and Effective Date**

R.2015 d.088, effective April 24, 2015.  
See: 47 N.J.R. 65(a), 47 N.J.R. 998(c).

**Chapter Expiration Date**

Chapter 9, Classification Process, expires on April 24, 2022.

**Chapter Historical Note**

Chapter 9, Classification Process, was adopted as R.1987 d.48, effective January 20, 1987. See: 18 N.J.R. 1649(a), 19 N.J.R. 218(a).

Pursuant to Executive Order No. 66(1978), Chapter 9, Classification Process, expired on January 20, 1992.

Chapter 9, Classification Process, was adopted as new rules by R.1992 d.79, effective February 18, 1992. See: 23 N.J.R. 3721(a), 24 N.J.R. 612(a).

Pursuant to Executive Order No. 66(1978), Chapter 9, Classification Process, was readopted as R.1997 d.122, effective February 14, 1997. See: 29 N.J.R. 80(b), 29 N.J.R. 880(a). As a part of R.1997 d.122, effective March 17, 1997, Subchapter 9, Reception and Placement Process for Male Juveniles; Subchapter 10, Juvenile Institutional Classification Committee (J.I.C.C.); and Subchapter 11, Juvenile Female Classification Committee (J.F.C.C.), were repealed. See: 29 N.J.R. 80(b), 29 N.J.R. 880(a).

Chapter 9, Classification Process, was readopted as R.2002 d.190, effective May 24, 2002. See: 34 N.J.R. 1082(a), 34 N.J.R. 2030(a).

Chapter 9, Classification Process, was readopted as R.2007 d.379, effective November 14, 2007. As a part of R.2007 d.379, Subchapter 1, Introduction, was renamed General Provisions; Subchapter 6, Inter-Institutional Classification Committee (I.I.C.C.), was renamed Institutional Classification Reception Committee (I.C.R.C.); Subchapter 7, Special Classification Committee (S.C.C.), was renamed Inter-Institutional Transfer; and Subchapter 9, Community Corrections Classification Committee (C-4), and Subchapter 10, Residential Community Program Notification Committee, were adopted as new rules, effective December 17, 2007. See: 39 N.J.R. 2445(a), 39 N.J.R. 5340(b).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 9, Classification Process, was scheduled to expire on November 14, 2014. See: 43 N.J.R. 1203(a).

Chapter 9, Classification Process, was readopted as R.2015 d.088, effective April 24, 2015. See: Source and Effective Date. See, also, section annotations.

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#### SUBCHAPTER 1. GENERAL PROVISIONS

##### 10A:9-1.1 Purpose

(a) The purpose of this chapter is to:

1. Establish objective criteria and a standardized process for inmate evaluation, custody level assignment, and correctional facility assignment;
2. Establish the responsibilities and functions of the Institutional Classification Committees (I.C.C.);
3. Establish eligibility criteria for reduced custody status;

4. Establish provisions for the award and forfeiture of commutation time and work credits;

5. Establish provisions for the transfer of inmates between correctional facilities;

6. Establish provisions for the parole recommendation process for inmates incarcerated pursuant to N.J.S.A. 2C:47 and 2A:164; and

7. Establish rules to fulfill the functions of the Department of Corrections as enumerated in N.J.A.C. 10A:1-1.1.

Amended by R.1992 d.79, effective February 18, 1992.

See: 23 N.J.R. 3721(a), 24 N.J.R. 612(a).

Added (a)7.

Amended by R.1997 d.122, effective March 17, 1997.

See: 29 N.J.R. 80(b), 29 N.J.R. 880(a).

Deleted (a)6, relating to a process for assignment and transfer of juvenile offenders; and recodified (a)7 as (a)6.

Amended by R.2001 d.425, effective November 19, 2001.

See: 33 N.J.R. 2390(a), 33 N.J.R. 3947(a).

In (a), added a new 1 and recodified former 1 through 6 as 2 through 7.

Amended by R.2002 d.190, effective June 17, 2002.

See: 34 N.J.R. 1082(a), 34 N.J.R. 2030(a).

Rewrote the section.

##### 10A:9-1.2 Scope

(a) This chapter shall be applicable to the Division of Operations unless otherwise indicated.

(b) N.J.A.C. 10A:9-8 shall be applicable to inmates sentenced under N.J.S.A. 2C:47 and 2A:164 who are housed at either the Adult Diagnostic and Treatment Center (A.D.T.C.) or other facilities.

Amended by R.1997 d.122, effective March 17, 1997.

See: 29 N.J.R. 80(b), 29 N.J.R. 880(a).

Substantially amended section.

##### 10A:9-1.3 Definitions

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

“Assaultive offense” means a criminal conviction for an offense involving violence or use of force, or any offense involving the threat or attempted use of force or violence including, but not limited to, a sexual offense, carjacking, and kidnapping.

“Assessment scale” means a fixed progressive reference system used as a measurement standard to determine the relative value, degree, importance, rank, or rating of factors including, but not limited to, criminal and/or assaultive offenses or prohibited acts, escape history, time to expiration of sentence or parole, inmate age, education, employment history, alcohol/drug use, or correctional facility program participation.

“Classification Committee” means a group of correctional staff members that have been designated to make decisions related to the needs of inmates from admission to discharge.

11. N.J.S.A. 2C:20-1 et seq. Theft and Related Offenses—all 3rd degree offenses;

12. N.J.S.A. 2C:21-1 et seq. Forgery and Fraudulent Practices—all 3rd degree offenses;

13. N.J.S.A. 2C:24-1 et seq. Offenses Against the Family, Children and Incompetents—all 4th degree offenses;

14. N.J.S.A. 2C:27-1 et seq. Bribery and Corrupt Influence—all 3rd degree offenses;

15. N.J.S.A. 2C:28-1 et seq. Perjury and Other Falsification in Official Matters—all 3rd degree offenses;

16. N.J.S.A. 2C:29-1 et seq. Obstructing Governmental Operations; Escapes—all 3rd degree offenses (except N.J.S.A. 2C:29-5(a) or (c) Escape—3rd degree which is considered to be at the high level);

17. N.J.S.A. 2C:30-1 et seq. Misconduct in Office: Abuse of Office—all 3rd degree offenses;

18. N.J.S.A. 2C:33-1 et seq. Riot, Disorderly Conduct and Other Related Offenses—all 4th degree offenses;

19. N.J.S.A. 2C:34-1 et seq. Public Indecency—all 3rd degree offenses;

20. N.J.S.A. 2C:35-1 et seq. Controlled Dangerous Substances—all 3rd degree offenses;

21. N.J.S.A. 2C:37-1 et seq. Gambling Offenses—all 3rd degree offenses;

22. N.J.S.A. 2C:39-1 et seq. Firearms, Other Dangerous Weapons and Instruments of Crime—all 3rd degree offenses; or

23. N.J.S.A. 2C:40-1 et seq. Other Offenses Relating to Public Safety—all 4th degree offenses.

(f) The following offenses appear at the low level of the Severity of Offense Scale:

1. Any Disorderly Persons Offense (except N.J.S.A. 2C:14-4(a) Lewdness which is considered to be at the low moderate level);

2. N.J.S.A. 2C:11-6, Aiding Suicide—4th degree;

3. N.J.S.A. 2C:13-1 et seq. Kidnapping and Related Offenses: Coercion—all 4th degree offenses;

4. N.J.S.A. 2C:17-1 et seq. Arson, Criminal Mischief and Other Property Destruction—all 4th degree offenses;

5. N.J.S.A. 2C:18-1 et seq. Burglary and Other Criminal Intrusion—all 4th degree offenses;

6. N.J.S.A. 2C:20-1 et seq. Theft and Related Offenses—all 4th degree offenses;

7. N.J.S.A. 2C:21-1 et seq. Forgery and Fraudulent Practices—all 4th degree offenses;

8. N.J.S.A. 2C:27-1 et seq. Bribery and Corrupt Influence—all 4th degree offenses;

9. N.J.S.A. 2C:28-1 et seq. Perjury and Other Falsification in Official Matters—all 4th degree offenses;

10. N.J.S.A. 2C:29-1 et seq. Obstructing Governmental Operations; Escapes—all 4th degree offenses;

11. N.J.S.A. 2C:30-1 et seq. Misconduct in Office: Abuse of Office—all 4th degree offenses;

12. N.J.S.A. 2C:34-1 et seq. Public Indecency—all 4th degree offenses;

13. N.J.S.A. 2C:35-1 et seq. Controlled Dangerous Substances—all 4th degree offenses;

14. N.J.S.A. 2C:37-1 et seq. Gambling Offenses—all 4th degree Offenses;

15. N.J.S.A. 2C:39-1 et seq. Firearms, Other Dangerous Weapons and Instruments of Crime—all 4th degree offenses; or

16. N.J.S.A. 2C:40-1 et seq. Other Offenses Relating to Public Safety—all 4th degree offenses.

New Rule, R.2001 d.425, effective November 19, 2001.

See: 33 N.J.R. 2390(a), 33 N.J.R. 3947(a).

Recodified from N.J.A.C. 10A:9-2.6 by R.2007 d.379, effective December 17, 2007.

See: 39 N.J.R. 2445(a), 39 N.J.R. 5340(b).

Former N.J.A.C. 10A:9-2.8, Institutional Violence Scale, recodified to N.J.A.C. 10A:9-2.11.

Amended by R.2015 d.088, effective May 18, 2015.

See: 47 N.J.R. 65(a), 47 N.J.R. 998(c).

Rewrote (a) and the introductory paragraphs of (b) through (f); in (b)1, inserted “, including N.J.S.A. 2C:11-5, Death by Auto-1st degree”; in (c)12, deleted “or” from the end; added new (c)13; recodified former (c)13 as (c)14; and in (e)2, inserted “—3rd and”.

### 10A:9-2.9 Escape History Scale for Male Inmates

(a) The following Escape History Scale for Male Inmates shall be used to assess an inmate’s escape history and assign points on the Initial and Reclassification Instruments for Male Inmates:

1. Inmates with zero escapes within the last five years of incarceration shall receive zero points;

2. Inmates with an escape or attempted escape from minimum or community custody with no actual or threatened violence shall receive:

i. One point if the inmate has been back in custody more than one year since the incident; or

ii. Three points if the inmate has been back in custody one year or less since the incident; or

3. Inmates with an escape or attempted escape from medium custody or above, or an escape from minimum or community custody with actual or threatened violence, shall receive:

- i. Five points if the inmate has been back in custody more than one year since the incident; or
- ii. Seven points if the inmate has been back in custody one year or less since the incident.

New Rule, R.2001 d.425, effective November 19, 2001.

See: 33 N.J.R. 2390(a), 33 N.J.R. 3947(a).

Recodified from N.J.A.C. 10A:9-2.7 and amended by R.2007 d.379, effective December 17, 2007.

See: 39 N.J.R. 2445(a), 39 N.J.R. 5340(b).

Section was "Escape History Scale". In (a), inserted "for Male Inmates" twice. Former N.J.A.C. 10A:9-2.9, Alcohol/Drug Use History Scale, repealed.

Amended by R.2015 d.088, effective May 18, 2015.

See: 47 N.J.R. 65(a), 47 N.J.R. 998(c).

Rewrote (a).

#### 10A:9-2.10 Escape History Scale for Female Inmates

(a) The following Escape History Scale for Female Inmates shall be used to assess an inmate's escape history and assign points on the Initial and Reclassification Instruments for Female Inmates:

1. Inmates with zero escapes within the last five years of incarceration shall receive zero points;
2. Inmates with an escape or attempted escape from minimum or community custody with no actual or threatened violence shall receive:
  - i. One point if the inmate has been back in custody more than one year since the incident; or
  - ii. Three points if the inmate has been back in custody one year or less since the incident; or
3. Inmates with an escape or attempted escape from medium custody or above, or an escape from minimum or community custody with actual or threatened violence shall receive:
  - i. Four points if the inmate has been back in custody more than one year since the incident; or
  - ii. Six points if the inmate has been back in custody one year or less since the incident.

New Rule, R.2001 d.425, effective November 19, 2001.

See: 33 N.J.R. 2390(a), 33 N.J.R. 3947(a).

Repeal and New Rule, R.2007 d.379, effective December 17, 2007.

See: 39 N.J.R. 2445(a), 39 N.J.R. 5340(b).

Section was "Current Detainer/Open Charge Scale".

Amended by R.2015 d.088, effective May 18, 2015.

See: 47 N.J.R. 65(a), 47 N.J.R. 998(c).

Rewrote (a).

#### 10A:9-2.11 Institutional Violence Scale for Male Inmates

(a) The following Institutional Violence Scale shall be used to assess an inmate's institutional violence history and to assign points on the Initial and Reclassification Instruments for Male Inmates:

1. Inmates with no institutional disciplinary reports involving violence shall receive zero points; or
2. Inmates with an institutional disciplinary report including violence shall receive five points.

New Rule, R.2001 d.425, effective November 19, 2001.

See: 33 N.J.R. 2390(a), 33 N.J.R. 3947(a).

Recodified from N.J.A.C. 10A:9-2.8 and amended by R.2007 d.379, effective December 17, 2007.

See: 39 N.J.R. 2445(a), 39 N.J.R. 5340(b).

Section was "Institutional Violence Scale". In the introductory paragraph of (a), inserted "for Male Inmates"; and in (a)2, substituted "five" for "three". Former N.J.A.C. 10A:9-2.11, Severity of Offense — Disciplinary Infractions Scale, recodified to N.J.A.C. 10A:9-2.13.

Amended by R.2015 d.088, effective May 18, 2015.

See: 47 N.J.R. 65(a), 47 N.J.R. 998(c).

Rewrote (a).

#### 10A:9-2.12 Institutional Violence Scale for Female Inmates

(a) The following Institutional Violence Scale for Female Inmates shall be used to assess an inmate's institutional violence history and to assign points on the Initial and Reclassification Instruments for Female Inmates:

1. Inmates with no institutional disciplinary reports involving violence shall receive zero points; or
2. Inmates with an institutional disciplinary report including violence shall receive three points.

New Rule, R.2007 d.379, effective December 17, 2007.

See: 39 N.J.R. 2445(a), 39 N.J.R. 5340(b).

Former N.J.A.C. 10A:9-2.12, Override Code References Index, recodified to N.J.A.C. 10A:9-2.14.

Amended by R.2015 d.088, effective May 18, 2015.

See: 47 N.J.R. 65(a), 47 N.J.R. 998(c).

Rewrote (a).

#### 10A:9-2.13 Severity of Offense—Disciplinary Infractions Scale

(a) The Severity of Offense—Disciplinary Infractions Scale shall be used to assess an inmate's most serious disciplinary infraction received in the previous 12 months of incarceration. The Severity of Offense—Disciplinary Infraction Scale has the following levels and point values:

1. Highest: seven points;
2. High: five points;
3. Moderate: three points;
4. Low moderate: two points;
5. Low: one point; and
6. None: zero points.

(b) The following prohibited acts appear at the highest level of the Severity of Offense—Disciplinary Infractions Scale.

1. \*.001 killing;
2. \*.003 assaulting any person with a weapon;
3. \*.007 hostage taking;
4. \*.012 throwing bodily fluid at any person or otherwise purposely subjecting such person to contact with a bodily fluid;
5. \*.050 sexual assault;
6. \*.101 escape;
7. \*.102 attempting or planning escape;
8. \*.151 setting a fire;
9. \*.201 possession or introduction of an explosive, incendiary device or any ammunition;
10. \*.215 possession with intent to distribute or sell prohibited substances such as drugs, intoxicants or related paraphernalia;
11. \*.216 distribution or sale of prohibited substances such as drugs, intoxicants or related paraphernalia;
12. \*.251 rioting;
13. \*.252 encouraging others to riot; or
14. \*.202 possession or introduction of a gun, firearm, weapon, sharpened instrument, knife or unauthorized tool.

(c) The following prohibited acts appear at the high level of the Severity of Offense—Disciplinary Infractions Scale.

1. \*.002 assaulting any person;
2. \*.005 threatening another with bodily harm or with any offense against his or her person or his or her property;
3. \*.006 extortion, blackmail, protection: demanding or receiving favors, money or anything of value in return for protection against others, to avoid bodily harm, or under threat of informing;
4. \*.009 misuse, possession, distribution, sale, or intent to distribute or sell, an electronic communication device, equipment or peripheral that is capable of transmitting, receiving or storing a message, image or data that is not authorized for use or retention (see “electronic communication device” definition at N.J.A.C. 10A:1-2.2);
5. \*.010 participating in an activity(ies) related to a security threat group;
6. \*.014 unauthorized physical contact with any person with an article, item or material such as anything readily capable of inflicting bodily injury;
7. \*.154 tampering with or blocking any locking device;
8. \*.155 adulteration of any food or drink;

9. \*.203 possession or introduction of any prohibited substances such as drugs, intoxicants or related paraphernalia not prescribed for the inmate by the medical or dental staff;

10. \*.204 use of any prohibited substances such as drugs, intoxicants or related paraphernalia not prescribed for the inmate by the medical or dental staff;

11. \*.214 possession of unauthorized keys or other security equipment;

12. \*.253 engaging in, or encouraging, a group demonstration;

13. \*.255 encouraging others to refuse to work or participate in work stoppage;

14. \*.258 refusing to submit to testing for prohibited substances;

15. \*.259 failure to comply with an order to submit a specimen for prohibited substance testing;

16. \*.261 tampering with a urine specimen;

17. \*.306 conduct which disrupts or interferes with the security or orderly running of the correctional facility;

18. \*.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;

19. \*.551 making intoxicants, alcoholic beverages, or prohibited substances such as narcotics and controlled dangerous substances or making related paraphernalia;

20. \*.552 being intoxicated;

21. \*.704 perpetrating frauds, deceptions, confidence games, riots or escape plots;

22. \*.708 refusal to submit to a search; or

23. \*.751 giving or offering any official or staff member a bribe or anything of value.

(d) The following prohibited acts appear at the moderate level of the Severity of Offense—Disciplinary Infractions Scale.

1. \*.004 fighting with another person;

2. \*.009A misuse, possession, distribution, sale or intent to distribute or sell, an electronic communication device, equipment or peripheral that is capable of transmitting, receiving or storing data and/or electronically transmitting a message, image or data that is not authorized for use or retention by an inmate who is assigned to a Residential Community Release Program (see “electronic communication device” definition at N.J.A.C. 10A:1-2.2);

3. \*.011 possession or exhibition of anything related to a security threat group;

4. .013 unauthorized physical contact with any person, such as, but not limited to, physical contact not initiated by a staff member, volunteer or visitor;
5. .051 engaging in sexual acts with others;
6. .052 making sexual proposals or threats to another;
7. \*.054 refusal to register as a sex offender or any refusal to register as required by law;
8. .103 wearing a disguise or mask;
9. \*.150 tampering with fire alarms, fire equipment or fire suppressant equipment;
10. .152 destroying, altering, or damaging government property, or the property of another person;
11. \*.153 stealing (theft);
12. .204A use by an inmate who is assigned to a Residential Community Program of any prohibited substances such as drugs, intoxicants or related paraphernalia not prescribed for the inmate by the medical or dental staff;
13. \*.205 misuse of authorized medication;
14. .206 possession of money or currency (\$50.00 or less) unless specifically authorized;
15. \*.207 possession of money or currency (in excess of \$50.00) unless specifically authorized;
16. .208 possession of property belonging to another person;
17. .210 possession of anything not authorized for retention or receipt by an inmate or not issued to him or her through regular correctional facility channels;
18. .211 possessing any staff member's clothing and/or equipment;
19. .254 refusing to work, or to accept a program or housing unit assignment;
20. .256 refusing to obey an order of any staff member;
21. .257 violating a condition of any community release program;
22. \*.260 refusing to submit to mandatory medical or other testing such as, but not limited to, mandatory testing required by law or court order;
23. .301 unexcused absence from work or any assignment; being late for work;
24. .304 using abusive or obscene language to a staff member;
25. .305 lying, providing a false statement to a staff member;
26. .351 counterfeiting, forging, or unauthorized reproduction or use of any document not enumerated in prohibited act \*.352;
27. \*.360 unlawfully obtaining or seeking to obtain personal information pertaining to an inmate's victim or the victim's family;
28. .401 participating in an unauthorized meeting or gathering;
29. .402 being in an unauthorized area;
30. .451 failure to follow safety or sanitation regulations;
31. .452 using any equipment or machinery which is not specifically authorized;
32. .453 using any equipment or machinery contrary to instructions or posted safety standards;
33. .501 failure to stand count;
34. .502 interfering with the taking of count;
35. .552A being intoxicated while the inmate is assigned to a Residential Community Program;
36. .601 gambling;
37. .602 preparing or conducting a gambling pool;
38. .603 possession of gambling paraphernalia;
39. .701 unauthorized use of mail or telephone;
40. .702 unauthorized contacts with the public;
41. .703 correspondence or conduct with a visitor in violation of regulations;
42. .705 commencing or operating a business or group for profit or commencing or operating a non-profit enterprise without the approval of the Administrator;
43. .706 soliciting funds and/or noncash contributions from donors within or without the correctional facility except where permitted by the Administrator;
44. .707 failure to keep a scheduled appointment with medical, dental or other professional staff;
45. .709 failure to comply with a written rule or regulation of the correctional facility;
46. .753 purchasing anything on credit; or
47. .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.

(e) The following prohibited acts appear at the low moderate level of the Severity of Offense—Disciplinary Infractions Scale.

1. \*.008 abuse/cruelty to animals;
2. .053 indecent exposure;
3. .209 loaning of property or anything of value;
4. .212 possessing unauthorized clothing;
5. .213 mutilating or altering clothing issued by the government;
6. .302 malingering, feigning an illness;
7. .303 failing to perform work as instructed by a staff member;
8. .553 smoking where prohibited;
9. .554 possession of tobacco products or matches where not permitted;
10. .651 being unsanitary or untidy: failing to keep one's person and one's quarters in accordance with posted standards; or
11. .652 tattooing or self mutilation.

(f) The following prohibited act appears at the low level of the Severity of Offense—Disciplinary Infractions Scale.

1. .752 giving money or anything of value to, or accepting money or anything of value from, another inmate.

New Rule, R.2001 d.425, effective November 19, 2001.

See: 33 N.J.R. 2390(a), 33 N.J.R. 3947(a).

Amended by R.2002 d.190, effective June 17, 2002.

See: 34 N.J.R. 1082(a), 34 N.J.R. 2030(a).

Rewrote (c) and (d).

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

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

Rewrote the section.

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

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

In (d), added a new 11 and 34 and recodified former 11 through 32 as 12 through 33 and former 33 through 44 as 35 through 46.

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

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

In (c)4, 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.

Recodified from N.J.A.C. 10A:9-2.11 and amended by R.2007 d.379, effective December 17, 2007.

See: 39 N.J.R. 2445(a), 39 N.J.R. 5340(b).

In the introductory paragraph of (a), inserted “of incarceration”.

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

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

In (d)6, 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).

Added (d)2; and recodified former (d)2 through (d)46 as (d)3 through (d)47.

Amended by R.2015 d.088, effective May 18, 2015.

See: 47 N.J.R. 65(a), 47 N.J.R. 998(c).

In the introductory paragraph of (a), inserted “and point values”; in (a)1, inserted “: seven points”; in (a)2, inserted “: five points”; in (a)3, inserted “: three points”; in (a)4, substituted “: two points;” for “; and”; in (a)5, substituted “: and one point; and” for a period; added (a)6; and rewrote the introductory paragraphs of (b) through (f).

#### 10A:9-2.14 Override Code Reference Index

(a) In accordance with the description of the override code, when an inmate cannot be assigned to the recommended custody status indicated by the custody status score on the Initial or Reclassification Instruments, the appropriate override code shall be applied and any specific information concerning the reason for the override shall be documented and maintained in the inmate record. When an override is invoked, Form OC-001 Request for Override Approval must be completed and forwarded to the Division of Operations for final approval:

1. Code A: Medium custody status assignment or above due to mandatory minimum or length of term requirements pursuant to N.J.A.C. 10A:9-4.6;

2. Code B: Medium custody status assignment or above pending disposition of non-permissible detainee or open charge pursuant to N.J.A.C. 10A:9-4.6;

3. Code C: Permanent custody prohibition/bar. Medium custody status assignment or above only due to escape history pursuant to N.J.A.C. 10A:9-4.7(f);

4. Code D: Medium custody status assignment or above due to escape history pursuant to N.J.A.C. 10A:9-4.6(o);

5. Code E-1: Permanent custody prohibition/bar. Medium custody status assignment or above only due to sexual or arson offense convictions pursuant to N.J.A.C. 10A:9-4.7;

6. Code E-2: Gang minimum custody status assignment only due to sexual or arson offense convictions pursuant to N.J.A.C. 10A:9-4.8;

7. Code F: Medium custody status assignment of above pending U.S. Immigration and Customs Enforcement (ICE) response indicating interest pursuant to N.J.A.C. 10A:9-4.6(n);

8. Code G: Medium custody status assignment or above due to keep separate status pursuant to N.J.A.C. 10A:9-4.5;

9. Code H: Medium custody status assignment or above due to voluntary or administrative protective custody pursuant to N.J.A.C. 10A:9-4.5;

10. Code I: Medium custody status assignment or above due to specialized medical or psychological/psychiatric treatment pursuant to N.J.A.C. 10A:9-4.6;

11. Code J: Requirement for medium custody status assignment or above due to pending disciplinary infraction(s);

12. Medium custody status assignment or above due to reasonable belief of the classification committee that the inmate will be unsuccessful in a lower custody status assignment at this time due to:

- i. Code K-1: Field account of the offense pursuant to N.J.A.C. 10A:9-3.3;
- ii. Code K-2: Prior criminal record pursuant to N.J.A.C. 10A:9-3.3;
- iii. Code K-3: Previous incarcerations pursuant to N.J.A.C. 10A:9-3.3;
- iv. Code K-4: Institutional adjustment pursuant to N.J.A.C. 10A:9-3.3;
- v. Code K-5: Reports from professional and custody staff pursuant to N.J.A.C. 10A:9-3.3 or 4.5;
- vi. Code K-6: Reasons relating to the best interests of the inmate pursuant to N.J.A.C. 10A:9-3.3 and 4.5;
- vii. Code K-7: Reasons relating to the safe orderly operation of the Department of Corrections facility pursuant to N.J.A.C. 10A:9-3.3;
- viii. Code K-8: Reasons relating to the safety of the community or public at large pursuant to N.J.A.C. 10A:9-3.3;
- ix. Code K-9: Reasons relating to the notoriety of the offense pursuant to N.J.A.C. 10A:9-3.3 and 4.5;

13. Reduced custody status due to reasonable belief of the classification committee that the inmate would be successful in a lower than recommended custody status assignment at this time due to:

- i. Code L-1: Previous correctional facility adjustment pursuant to N.J.A.C. 10A:9-3.3 and 4.5;
- ii. Code L-2: The nature of the offense not being as severe as the assessment scale indicates pursuant to N.J.A.C. 10A:9-3.3 and 4.5;
- iii. Code L-3: The short amount of time remaining on the inmate's sentence pursuant to N.J.A.C. 10A:9-4.5;
- iv. Code L-4: Any reason relating to the best interests of the inmate pursuant to N.J.A.C. 10A:9-3.3 and 4.5; or

14. Code M: Medium custody status assignment or above pursuant to N.J.A.C. 10A:9-4.6, due to a disciplinary sanction for a prohibited act identified in a zero tolerance policy (see N.J.A.C. 10A:4-5.1 and 12).

(b) When the reason for an objective classification scoring instrument override ceases to apply at a time other than regu-

lar review time, the inmate shall be rescored on the same objective classification scoring instrument that was used at the last review.

(c) All objective classification overrides shall be subject to review by the Director, Division of Operations or designee.

(d) Inmates with permanent override codes C and E1 do not need to be re-scored as they can never obtain reduced custody status. An inmate with an E2 override does not necessitate a re-score unless required by N.J.A.C. 10A:9-3.14. However, all inmates must be reviewed annually.

New Rule, R.2001 d.425, effective November 19, 2001.

See: 33 N.J.R. 2390(a), 33 N.J.R. 3947(a).

Amended by R.2002 d.190, effective June 17, 2002.

See: 34 N.J.R. 1082(a), 34 N.J.R. 2030(a).

In (a), added NJAC references in 10 and 14 and inserted "assignment" following "status" in 13.

Amended by R.2003 d.235, effective June 16, 2003.

See: 35 N.J.R. 1185(a), 35 N.J.R. 2647(a).

In (a)1, inserted "No Early Release Act (NERA) parole violation" following "mandatory minimum".

Amended by R.2003 d.429, effective November 3, 2003.

See: 35 N.J.R. 2778(a), 35 N.J.R. 5108(a).

Rewrote the section.

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

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

Rewrote (a)17.

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 (a)17, updated the N.J.A.C. reference.

Amended by R.2007 d.199, effective July 2, 2007.

See: 39 N.J.R. 747(a), 39 N.J.R. 2537(a).

In (a)7, substituted "U.S. Immigration and Customs Enforcement (ICE)" for "United States Immigration and Naturalization Service (USINS)".

Recodified from N.J.A.C. 10A:9-2.12 and amended by R.2007 d.379, effective December 17, 2007.

See: 39 N.J.R. 2445(a), 39 N.J.R. 5340(b).

In the introductory paragraph of (a), substituted "status" for "level" and inserted the last sentence.

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

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

In (a)3, (a)5 and (a)6, updated the N.J.A.C. reference.

Amended by R.2015 d.088, effective May 18, 2015.

See: 47 N.J.R. 65(a), 47 N.J.R. 998(c).

Rewrote (a); and added (d).

### SUBCHAPTER 3. INSTITUTIONAL CLASSIFICATION COMMITTEE (I.C.C.)

#### 10A:9-3.1 Responsibilities of the Institutional Classification Committee (I.C.C.)

(a) Each correctional facility shall establish an I.C.C., which shall be responsible for:

1. Assignment of inmates to work, educational, vocational and treatment programs appropriate to their needs;

on the inmate's criminal sexual behavior and his or her likelihood for success in reduced custody status; or

3. The inmate is housed at the Adult Diagnostic and Treatment Center (A.D.T.C.) and is approved for reduced custody status by the Institutional Classification Committee (I.C.C.) and Administrator of A.D.T.C., only for job assignment on A.D.T.C. property.

(d) An inmate who presently is serving a sentence for one conviction of arson with no previous such adult convictions; or an inmate presently serving a sentence for an offense that does not preclude reduced custody status but who has a prior adult conviction for arson is eligible to be considered for gang minimum custody status provided:

1. He or she is otherwise eligible according to the criteria set forth in this subchapter; and

2. There is a psychiatric or psychological evaluation, no more than six months old, which focuses specifically on the inmate's likelihood for success in gang minimum custody status in light of the present or past conviction for arson.

(e) An inmate may be considered for gang minimum custody status when the inmate is presently serving a sentence, or the inmate has a prior adult conviction for the offenses of Kidnapping (N.J.S.A. 2C:13-1), Criminal restraint (N.J.S.A. 2C:13-2.a or b), False imprisonment (N.J.S.A. 2C:13-3) or any comparable out-of-State offense in which:

1. The victim was under the age of 18;
2. The offender is not the parent of the victim; and
3. There is no sexual component.

New Rule, R.2009 d.237, effective August 3, 2009.

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

Former N.J.A.C. 10A:9-4.8, Eligibility limitations for reduced custody status, recodified to N.J.A.C. 10A:9-4.7.

Amended by R.2015 d.088, effective May 18, 2015.

See: 47 N.J.R. 65(a), 47 N.J.R. 998(c).

Rewrote the introductory paragraph of (d).

#### 10A:9-4.9 Assignment of inmates to minimum units

(a) Only those inmates who are classified as full minimum custody status may be assigned to minimum units.

(b) When assigning inmates to minimum units, the Institutional Classification Committee (I.C.C.) may consider the following factors:

1. Notoriety or reputation of a particular inmate in the surrounding community;
2. Proximity of the minimum unit to the local community;
3. Impact on community relations with the parent correctional facility, considering the inmate's criminal history and present record of incarceration; and

4. Any other factor which the Administrator or I.C.C. deems relevant to the inmate's successful placement at a minimum unit.

(c) Each parent correctional facility shall develop written guidelines consistent with this subchapter. These guidelines shall be submitted to the Division of Operations, New Jersey Department of Corrections, for review and approval.

(d) At the time of initial placement of an inmate in the correctional system, the Institutional Classification Reception Committee (I.C.R.C.) may assign an eligible inmate directly to an appropriate minimum unit.

New Rule, R.1990 d.195, effective April 2, 1990.

See: 21 N.J.R. 3050(a), 22 N.J.R. 1143(a).

Amended by R.1997 d.122, effective March 17, 1997.

See: 29 N.J.R. 80(b), 29 N.J.R. 880(a).

In (b)3, substituted "correctional facility" for "institution"; and in (c), substituted "correctional facility" for "institution" and "Assistant Commissioner, Division of Operations" for "Deputy Commissioner".

Amended by R.2002 d.190, effective June 17, 2002.

See: 34 N.J.R. 1082(a), 34 N.J.R. 2030(a).

In (b)4, substituted "Administrator" for "Superintendent" and deleted "Institutional Classification Committee" preceding "I.C.C."

Amended by R.2007 d.42, effective February 5, 2007.

See: 38 N.J.R. 4389(a), 39 N.J.R. 489(a).

Section was "Assignment of inmates to satellite units, except Jones Farm".

Amended by R.2007 d.379, effective December 17, 2007.

See: 39 N.J.R. 2445(a), 39 N.J.R. 5340(b).

In (c), inserted "and approval"; and in (d), substituted "Institutional Classification Reception Committee (I.C.R.C.)" for "Inter-Institutional Classification Committee (I.I.C.C.)".

Amended by R.2015 d.088, effective May 18, 2015.

See: 47 N.J.R. 65(a), 47 N.J.R. 998(c).

Section was "Assignment of inmates to satellite units, except Jones Farm and Rahway Camp". In (a), (b), and (d), substituted "minimum" for "satellite" throughout; and in (c), deleted "Assistant Commissioner," preceding "Division".

## SUBCHAPTER 5. COMMUTATION AND WORK TIME

### 10A:9-5.1 Authority

(a) Commutation credit is awarded to inmates pursuant to N.J.S.A. 30:4-140, which provides:

1. For every year or fractional part of a year of sentence imposed upon any person committed to any State correctional facility for a minimum-maximum term there shall be remitted to him or her from both the maximum and minimum terms of his or her sentence, for continuous orderly department, the progressive commutation credits indicated in the schedule herein.

2. Commutation credits shall not be awarded until after the expiration of the mandatory minimum portion of the sentence. When the mandatory minimum portion of the sentence has been served, commutation credits are awarded on the full sentence.

3. When a sentence contains a fractional part of a year in either the minimum or maximum thereof, then commu-

tation credits in reduction of such fractional part of a year shall be calculated at the rate set out in the schedule for each full month of such fractional part of a year of sentence.

4. No commutation credits shall be calculated as provided for in this subchapter on time served by any person in custody between his or her arrest and the imposition of sentence.

5. Commutation credits may be declared to be forfeited pursuant to N.J.A.C. 10A:9-5.3 and 5.4.

(b) Work time credit is awarded to inmates pursuant to N.J.S.A. 30:4-92, which provides:

1. The inmates of all correctional, charitable, hospital, relief and training institutions within the jurisdiction of the State Board of Institutional Trustees (Commissioner) shall be employed in such productive occupations as are consistent with the inmate's health, strength and mental capacity and shall receive such compensation therefor as the State Board of Institutional Trustees (Commissioner) shall determine.

2. Compensation for inmates of correctional facilities may be in the form of cash or remission of time from sentence or both. Such remission from the time of sentence shall not exceed one day for each five days of productive occupation, but remission granted under this section shall in no way affect deductions for good behavior or provided by law.

3. All inmates classified as minimum or community custody status and who are considered sufficiently trustworthy to be employed in honor camps, farms or details shall receive further remission of time from their sentences at the rate of three days per month for the first year of such employment and five days per month for the second and each subsequent year of such employment.

Amended by R.1992 d.79, effective February 18, 1992.  
See: 23 N.J.R. 3721(a), 24 N.J.R. 612(a).

Revised (a).

Amended by R.1997 d.122, effective March 17, 1997.  
See: 29 N.J.R. 80(b), 29 N.J.R. 880(a).

In (b)3, substituted "minimum or community custody status" for "minimum security".

Petition for Rulemaking.

See: 30 N.J.R. 4291(a).

Amended by R.2013 d.097, effective July 15, 2013.

See: 45 N.J.R. 719(a), 45 N.J.R. 1778(a).

In (a)2, substituted "shall not be" for "are not" and the second occurrence of "portion" for "part".

Amended by R.2015 d.088, effective May 18, 2015.

See: 47 N.J.R. 65(a), 47 N.J.R. 998(c).

In (a)5, substituted "Commutation" for "In case of any flagrant misconduct, commutation", and inserted "and 5.4".

#### Case Notes

Inmates have no liberty interest in a particular, or any, job assignment, nor in the wages or credits that can be earned by performing a prison work assignment. *Shabazz v. New Jersey Dep't of Corrections*, 385 N.J. Super. 117, 896 A.2d 473, 2006 N.J. Super. LEXIS 103 (App.Div. 2006).

Murder defendant's 30-year mandatory minimum term of imprisonment was not subject to reduction through application of commutation and work credits. *Merola v. Department of Corrections*, 285 N.J. Super. 501, 667 A.2d 702 (A.D.1995), certification denied.

#### 10A:9-5.2 Exceptions; time in custody; failure to work

(a) Commutation or work credits shall not be given to any inmate sentenced for sex offenses under the provisions of N.J.S.A. 2A:164. However, those inmates who have been sentenced or resentenced under N.J.S.A. 2C are eligible to receive commutation and work credits from the effective date of that law, September 1, 1979.

(b) In all cases where the sentence includes a mandatory minimum term of imprisonment, commutation credits, work credits, gap time, and minimum credits shall not be applied to the mandatory minimum term, but shall only reduce the maximum term.

(c) Commutation credits, work credits, gap time, and minimum credits shall not be used to reduce a maximum sentence to a period of incarceration that is less than the judicial or statutory mandatory minimum term.

(d) Commutation credits shall not be given for any time served in custody between arrest and imposition of sentence. Work credits may be given for work performed in the county jail prior to sentencing if the work time is verified in writing by the adult county correctional facility Administrator.

(e) Work credits shall not be applied in cases where an inmate does not work because of choice, unavailability of sufficient job assignments, medical lay-in (except for job related injuries), court remand, disciplinary lock-up, or similar incapacity. Inmates who refuse to perform assigned work shall receive disciplinary charges in accordance with N.J.A.C. 10A:4.

(f) Work credits shall not be awarded to administrative segregation inmates.

Amended by R.1989 d.299, effective June 5, 1989.

See: 21 N.J.R. 664(a), 21 N.J.R. 1516(c).

Provision that sentence may not be reduced to a period less than the minimum judicial or statutory mandatory term added at (c); recodification of (c)-(d) as (d)-(e).

Amended by R.1992 d.79, effective February 18, 1992.

See: 23 N.J.R. 3721(a), 24 N.J.R. 612(a).

Revised text.

Amended by R.2001 d.155, effective May 21, 2001.

See: 33 N.J.R. 747(a), 33 N.J.R. 1589(b).

In (d), substituted "adult county correctional facility Administrator" for "County Jail Superintendent"; in (f), substituted "shall not" for "may" preceding "be awarded" and deleted "pursuant to N.J.A.C. 10A:5-3.19 Work opportunities" following "inmates".

Petition for Rulemaking.

See: 36 N.J.R. 3597(c).

Amended by R.2013 d.097, effective July 15, 2013.

See: 45 N.J.R. 719(a), 45 N.J.R. 1778(a).

In (a) and (d), substituted "Commutation" for "No commutation" and inserted "not" following "shall"; in (b) and (c), inserted a comma following "time"; in (b), substituted "shall" for "may" twice; in (c), substituted "Commutation" for "In no case may commutation", and inserted "shall not"; and in (e), substituted "shall" for "may".

Amended by R.2014 d.027, effective February 3, 2014.  
See: 45 N.J.R. 13(a), 46 N.J.R. 297(a).

In (f), substituted "administrative segregation" for "Administrative Segregation".

#### Case Notes

Murder defendant's 30-year mandatory minimum term of imprisonment was not subject to reduction through application of commutation and work credits. *Merola v. Department of Corrections*, 285 N.J.Super. 501, 667 A.2d 702 (A.D.1995), certification denied.

### 10A:9-5.3 Forfeiture of commutation credits and work credits

(a) Pursuant to N.J.S.A. 30:4-140 et seq., commutation credits and work credits may be declared to be forfeited as a penalty for misconduct.

1. Forfeitures shall be determined by the Disciplinary Hearing Officer or Adjustment Committee pursuant to N.J.A.C. 10A:4. All decisions shall be reviewed by the Administrator or designee, who may approve or modify the amount of credits forfeited.

2. In no case shall more than 365 days of commutation and 72 work credits be declared forfeited for any single disciplinary offense. Work credits shall not be forfeited for commission of a prohibited act unless authorized by law.

(b) Pursuant to N.J.S.A. 30:4-16.2, commutation credits shall be declared to be forfeited when any civil action or proceeding filed by an inmate in a New Jersey State court, in which the defendant was represented by the Attorney General or county counsel, has been determined by the court to be frivolous because the civil action was filed:

1. To harass or retaliate against another individual;
2. To disrupt or interfere with the operation of the correctional facility; or
3. For some other malicious purpose.

(c) Pursuant to N.J.S.A. 2C:47-3.d, if the court finds that the offender's conduct was characterized by a pattern of repetitive, compulsive behavior and that the offender is willing to participate in sex offender treatment, but is determined not to be amenable to such treatment, his or her sentence shall not be reduced by commutation time for good behavior or credits for diligent application to work and other institutional assignments.

(d) Pursuant to N.J.S.A. 2C:47-3.e, if the court finds that the offender's conduct was characterized by a pattern of repetitive, compulsive behavior and that the offender is amenable to sex offender treatment, but that the offender is not willing to participate in such treatment, his or her sentence shall not be reduced by commutation time for good behavior or credits for diligent application to work and other institutional assignments.

(e) Pursuant to N.J.S.A. 2C:47-8, if the court finds that the offender's conduct was characterized by a pattern of repetitive, compulsive behavior and that the offender is willing and amenable to participate in sex offender treatment,

but fails to fully cooperate in such treatment, his or her sentence shall not be reduced by commutation time for good behavior or credits for diligent application to work and other institutional assignments.

Amended by R.1992 d.79, effective February 18, 1992.  
See: 23 N.J.R. 3721(a), 24 N.J.R. 612(a).

Revised section.

Amended by R.1996 d.557, effective December 2, 1996.

See: 28 N.J.R. 4155(a), 28 N.J.R. 5073(b).

Amended by R.2000 d.143, effective April 3, 2000.

See: 32 N.J.R. 166(a), 32 N.J.R. 1216(a).

In (a), changed N.J.S.A. reference and inserted a reference to work credits in the introductory paragraph, and substituted a reference to the Administrator for a reference to the Superintendent in 1.

Petition for Rulemaking.

See: 32 N.J.R. 3499(a).

Amended by R.2002 d.190, effective June 17, 2002.

See: 34 N.J.R. 1082(a), 34 N.J.R. 2030(a).

In (a)1, deleted "commutation" preceding "credits"; in (a)2, added "and 72 work" after "commutation", also added a sentence; in (b), amended the N.J.S.A. reference and inserted "in a New Jersey State Court" following "inmate".

Amended by R.2015 d.088, effective May 18, 2015.

See: 47 N.J.R. 65(a), 47 N.J.R. 998(c).

Added (c) through (e).

### 10A:9-5.4 Forfeiture of commutation credits by parolees

A parolee under the supervision of the State Parole Board is subject to forfeiture of commutation credits in the event the parolee violates a condition of parole.

Amended by R.1992 d.79, effective February 18, 1992.

See: 23 N.J.R. 3721(a), 24 N.J.R. 612(a).

Revised section.

### 10A:9-5.5 Restoration of forfeited commutation credits

(a) Commutation credits forfeited for a civil action or proceeding filed by an inmate determined to be frivolous by the court shall not be eligible for restoration.

(b) Commutation credits forfeited for failure to participate in sex offender treatment, as described in N.J.A.C. 10A:9-5.3(c), (d), or (e), shall not be eligible for restoration.

(c) An inmate approaching the expiration of his or her maximum sentence, who is otherwise eligible for the restoration of forfeited commutation credits in accordance with this subchapter, shall be eligible to receive only that portion of the restored commutation credits that allows for all timely release notifications required by law, such as N.J.S.A. 30:4-6.1(a).

(d) The following procedures for restoring forfeited commutation credits apply to all inmates who received charges for acts which occurred on or after May 24, 1979, except as otherwise set forth in this section.

1. Up to 75 percent of the forfeited commutation credits may be restored over the three year period following the incident which resulted in the loss of commutation credits. The three years must run consecutively, calculated from the date of the incident. Credits shall be restored at the rate of 25 percent for each year the inmate is

in custody and is free of any disciplinary charges with a guilty finding.

2. Credits will be restored to the above regardless of the inmate's housing assignment.

(e) An inmate who receives a parole date at any point in the third one year period and has been without a charge which results in a finding of guilt during both the first and second one year periods may, at the discretion of the Administrator, have the commutation credits which the inmate could earn in the third year period restored on a prorated basis.

1. A grant of credits on a prorated basis is applicable only when the parole date falls in the third one year period and only where the inmate has had 50 percent of the forfeited credits already restored.

2. Such action shall be taken only in exceptional cases for good cause shown.

(f) Any inmate who feels that he or she meets the qualifications for restoration must submit an application for restoration of commutation credits to the correctional facility classification officer. The inmate may submit the application at any time after he or she becomes eligible for restoration. The classification officer will not act unless an inmate submits an application. A review of the inmate's eligibility on restoration shall be made in accordance with this subchapter by the classification officer and forwarded to the Administrator, who shall approve the restoration.

(g) The following procedures for restoring forfeited commutation credits apply to all inmates who received guilty findings from charges for prohibited acts which occurred prior to May 24, 1979, except as otherwise set forth in this section:

1. One hundred percent of the forfeited commutation credits may be restored to an inmate(s) during three consecutive years (one-third restoration per year) which the inmate(s) completes without a charge which results in a finding of guilt.

2. Any inmate who feels that he or she meets the qualifications for restoration of commutation credits lost prior to May 24, 1979, must submit an application for restoration of commutation credits to the classification officer of the correctional facility in which the inmate is currently housed. The classification officer will not consider any restoration of forfeited commutation credits lost prior to May 24, 1979, unless an inmate submits an application. A review of the inmate's eligibility on restoration of credits by the classification officer shall be made in accordance with this subchapter and forwarded to the Administrator, who shall make the restoration determination.

(h) Any inmate under the jurisdiction of the Office of Interstate Services must submit an application for restoration of commutation credits lost to the classification officer of the Office of Interstate Services. A review of the inmate's

eligibility on restoration of credits by the classification officer shall be made in accordance with this subchapter and forwarded to the supervisor of the Office of Interstate Services who shall make the restoration determination.

(i) Any inmate housed at a residential community release agreement program must submit an application for restoration of commutation credits to the Administrator of the regional correctional facility with responsibility for the inmate. The classification officer of that correctional facility shall review the application. A review of the inmate's eligibility on restoration of credits by the classification officer shall be made in accordance with this subchapter and forwarded to the Administrator, who shall make the restoration determination.

(j) Any inmate serving a State prison sentence in an adult county correctional facility must submit an application for restoration of commutation credits to the Administrator of the Central Reception and Assignment Facility (CRAF). The classification officer of that facility shall review the application. A review of the inmate's eligibility on restoration of credits by the classification officer shall be made in accordance with this subchapter and forwarded to the Administrator, who shall make the restoration determination.

Amended by R.1991 d.346, effective July 1, 1991.

See: 23 N.J.R. 1261(a), 23 N.J.R. 2043(a).

Amended to permit an inmate, who has forfeited commutation time as a result of a disciplinary charge and will reach the expiration of his or her maximum sentence in the third year after the loss of commutation time and has been free of disciplinary charges for both the first and second years, to have the commutation credits which he or she could earn in the third year restored, on a prorated basis, at the discretion of the Superintendent.

Amended by R.1992 d.79, effective February 18, 1992.

See: 23 N.J.R. 3721(a), 24 N.J.R. 612(a).

Revised (a).

Amended by R.1993 d.636, effective December 6, 1993.

See: 25 N.J.R. 4553(a), 25 N.J.R. 5476(a).

Amended by R.1996 d.557, effective December 2, 1996.

See: 28 N.J.R. 4155(a), 28 N.J.R. 5073(b).

Amended by R.1999 d.165, effective May 17, 1999.

See: 31 N.J.R. 708(b), 31 N.J.R. 1335(a).

Rewrote the section.

Amended by R.2001 d.222, effective July 2, 2001.

See: 33 N.J.R. 1043(a), 33 N.J.R. 2297(a).

Inserted a new (b), recodified former (b) as (c), and inserted ", except as otherwise set forth in this section" following "May 24, 1979" in the introductory paragraph; recodified former (c) and (d) as (d) and (e); recodified former (e) as (f) and inserted ", except as otherwise set forth in this section" following "May 24, 1979" in the introductory paragraph; recodified former (f) through (h) as (g) through (i).

Amended by R.2003 d.324, effective August 4, 2003.

See: 35 N.J.R. 1761(a), 35 N.J.R. 3558(b).

Rewrote (b).

Petition for Rulemaking.

See: 36 N.J.R. 4330(b).

Petition for Rulemaking.

See: 41 N.J.R. 2149(b).

Petition for Rulemaking.

See: 46 N.J.R. 562(c), 887(a).

Amended by R.2015 d.088, effective May 18, 2015.

See: 47 N.J.R. 65(a), 47 N.J.R. 998(c).

Added new (b); recodified former (b) through (i) as (c) through (j); rewrote (d) and (f); and in (h), substituted "supervisor" for "Chief".