

CHAPTER 2**FISCAL MANAGEMENT****Authority**

N.J.S.A. 30:1B-6 and 10; Executive Order No. 93(1993), and N.J.S.A. 2C:46-4.

Source and Effective Date

R.1995 d.21, effective December 9, 1994.
See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).

Executive Order No. 66(1978) Expiration Date

Chapter 2, Fiscal Management, expires on December 9, 1999.

Chapter Historical Note

Chapter 2, Fiscal Management, became effective with Subchapter 7, Restitution for Items Damaged or Destroyed, adopted as R.1990 d.75, effective February 5, 1990. See: 21 N.J.R. 3408(b), 22 N.J.R. 355(b). Subchapter 10, Grants, was adopted as R.1990 d.183, effective April 2, 1990. See: 22 N.J.R. 14(a), 22 N.J.R. 1142(a). Subchapter 6, Inmate Reimbursement for Lost, Damaged or Destroyed Personal Property, was adopted as R.1990 d.363, effective August 6, 1990. See: 22 N.J.R. 1320(a), 22 N.J.R. 2321(a). Subchapter 3, Expenditure of Inmate Welfare Funds, was adopted as R.1991 d.188, effective April 1, 1991. See: 23 N.J.R. 155(a), 23 N.J.R. 1008(b). Subchapter 8, Financial Aid upon Release from Correctional Facilities, was adopted as R.1991 d.372, effective August 5, 1991. See: 23 N.J.R. 1511(a), 23 N.J.R. 2310(b). Subchapter 5, Reporting Loss of Funds, was adopted as R.1991 d.373, effective August 5, 1991. See: 23 N.J.R. 1510(a), 23 N.J.R. 2310(a). Subchapter 9, Gifts, was adopted as R.1991 d.449, effective August 19, 1991. See: 23 N.J.R. 1754(a), 23 N.J.R. 2509(a). Subchapter 2, Inmate Accounts, was adopted as R.1991 d.494, effective October 7, 1991. See: 23 N.J.R. 1992(b), 23 N.J.R. 3031(a).

Pursuant to Executive Order No. 66(1978), Chapter 2 was readopted as R.1995 d.21. See: Source and Effective Date. As a part of R.1995 d.21, Subchapter 1, Introduction, was adopted effective January 3, 1995. See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a). See, also, section annotations.

CHAPTER TABLE OF CONTENTS**SUBCHAPTER 1. INTRODUCTION**

- 10A:2-1.1 Purpose
- 10A:2-1.2 Scope
- 10A:2-1.3 Definitions
- 10A:2-1.4 Forms

SUBCHAPTER 2. INMATE ACCOUNTS

- 10A:2-2.1 Responsibility for inmate accounts
- 10A:2-2.2 Deposits and deductions
- 10A:2-2.3 Individual savings accounts
- 10A:2-2.4 Written procedures

SUBCHAPTER 3. EXPENDITURE OF INMATE WELFARE FUNDS

- 10A:2-3.1 Sources of income for inmate welfare funds
- 10A:2-3.2 Accountability and expenditure

SUBCHAPTER 4. (RESERVED)**SUBCHAPTER 5. REPORTING LOSS OF FUNDS**

- 10A:2-5.1 Reporting loss of funds

- 10A:2-5.2 Reporting the loss of funds to the Assistant Commissioner, Division of Administration; referral to Deputy Commissioner

SUBCHAPTER 6. INMATE REIMBURSEMENT FOR LOST, DAMAGED OR DESTROYED PERSONAL PROPERTY

- 10A:2-6.1 Filing a claim at an adult or juvenile institution or satellite unit
- 10A:2-6.2 Filing a claim at an adult community service center
- 10A:2-6.3 Decision making factors for approving or denying a claim
- 10A:2-6.4 Time limit for filing a claim
- 10A:2-6.5 Notification of inmates
- 10A:2-6.8 (Reserved)

SUBCHAPTER 7. RESTITUTION FOR ITEMS DAMAGED OR DESTROYED

- 10A:2-7.1 Imposition of restitution
- 10A:2-7.2 Appeal of restitution
- 10A:2-7.3 Amount of restitution
- 10A:2-7.4 Role of the Superintendent
- 10A:2-7.5 Role of the Business Manager

SUBCHAPTER 8. FINANCIAL AID UPON RELEASE FROM CORRECTIONAL FACILITIES

- 10A:2-8.1 Provision of financial aid
- 10A:2-8.2 Eligibility for financial aid
- 10A:2-8.3 Criteria for grant of financial aid
- 10A:2-8.4 Responsibility for determination of financial aid grant
- 10A:2-8.5 Amount of financial aid; periods of availability
- 10A:2-8.6 Maintenance of accounts and records
- 10A:2-8.7 Reimbursement
- 10A:2-8.8 Monthly report
- 10A:2-8.9 (Reserved)

SUBCHAPTER 9. GIFTS

- 10A:2-9.1 Gifts of money with specifications as to use
- 10A:2-9.2 Gifts of money without specifications as to use
- 10A:2-9.3 Gifts from inmates to inmate organizations
- 10A:2-9.4 (Reserved)
- 10A:2-9.5 Gifts of vehicles or vehicle parts
- 10A:2-9.6 Gifts for capital construction
- 10A:2-9.7 Gifts for research purposes
- 10A:2-9.8 Gifts of medical supplies or medical equipment
- 10A:2-9.9 Gifts which may result in financial burdens or obligations
- 10A:2-9.10 Use of gifts to purchase supplies or equipment
- 10A:2-9.11 Reports of gifts of money or material

SUBCHAPTER 10. GRANTS

- 10A:2-10.1 Responsibilities of the Grants Manager
- 10A:2-10.2 Planning
- 10A:2-10.3 Procedures for processing grants
- 10A:2-10.4 Reports

SUBCHAPTER 1. INTRODUCTION**10A:2-1.1 Purpose**

(a) The purpose of this chapter is to establish policies and procedures for:

1. Controlling and depositing funds held in trust for inmates;

2. Appropriating expenditures of inmate welfare funds;
3. Reporting the loss of funds by burglary, theft, embezzlement or mysterious disappearance when discovered by a correctional facility;
4. Processing inmate claims for lost, damaged or destroyed personal property;
5. Withdrawing of restitution from an inmate's account for loss or damage to State property;
6. Distributing financial aid to persons released on parole or upon expiration of sentence;
7. Receiving and giving gifts; and
8. Processing grants.

10A:2-1.2 Scope

(a) N.J.A.C. 10A:2-2, 3, 5, 6, 7 and 8 shall be applicable to the Division of Operations, New Jersey Department of Corrections.

(b) N.J.A.C. 10A:2-9 and 10 shall be applicable to all administrative units within the New Jersey Department of Corrections.

10A:2-1.3 Definitions

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

"Gift" means money in the form of a money order or certified check or material(s) donated to a correctional facility or administrative unit for a specified or unspecified purpose by a person(s) or organization(s) without an expectation of compensation.

"Grant" means a specific amount of funds or services given to an administrative unit or correctional facility by a funding source to be used over a specific period of time for a specific purpose.

"Inmate personal property" means items owned by an inmate which have been approved for retention in his or her possession while incarcerated in a correctional facility. Inmate personal property may also be property held by a correctional facility on behalf of an inmate and handled in accordance with N.J.A.C. 10A:1-11.

"Loss of funds" means funds received by a correctional facility or an administrative unit, from any source, which are unaccounted for as a result of theft, larceny, embezzlement or mysterious disappearance.

"Restitution" means a disciplinary sanction recommended by a Disciplinary Hearing Officer, Adjustment Committee, or a court ordered indemnification which requires the inmate to compensate the correctional facility or victim(s) of a criminal act for any loss, damage or injury perpetrated by the inmate.

Amended by R.1996 d.9, effective January 2, 1996.
See: 27 N.J.R. 3673(a), 28 N.J.R. 151(a).

In the definition of "Gift" inserted "in the form of a money order or certified check".

10A:2-1.4 Forms

(a) The following forms related to fiscal management shall be reproduced by each correctional facility from originals that are available by contacting the Standards Development Unit, New Jersey Department of Corrections:

1. 943-I INMATE CLAIM FOR LOST, DAMAGED OR DESTROYED PERSONAL PROPERTY;
2. 943-II CERTIFICATION OF INMATE CLAIM;
3. 943-III REVIEW OF INMATE CLAIM;
4. 947-I MONTHLY REPORT OF GIFTS RECEIVED;
5. 947-II ANNUAL REPORT OF GIFTS RECEIVED;
6. 950-I FISCAL REPORT OF GRANTS RECEIVED;
7. 950-II REPORT OF PROGRESS OF PROJECTS FUNDED BY GRANTS.

(b) The following form related to fiscal management shall be obtained from the business office of the correctional facility:

1. STATE OF NEW JERSEY PAYMENT VOUCHER-VENDOR INVOICE.

(c) The following forms related to financial aid upon release from correctional facilities shall be obtained from the Bureau of Parole, New Jersey Department of Corrections:

1. 814.06 FINANCIAL AID PROGRAM RECEIPT;
2. 814.07 REQUEST FOR REPLENISHMENT OF FUNDS;
3. 814.08 FINANCIAL AID ACCOUNT.

SUBCHAPTER 2. INMATE ACCOUNTS

10A:2-2.1 Responsibility for inmate accounts

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

(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:43-1, 2C:46-1, 2C:46-4, 30:4-92, 30:7E-1, 30:4-16.2, 2C:44-6; and the Prison Litigation Reform Act of 1995, 18 U.S.C. § 3626, to pay:

1. Court ordered penalty assessments, restitution and fines;
2. Other revenue obligations or fees;
3. Fee 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. 30:4-16.2, 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 fines, restitution or penalties which the inmate has not met; and/or shall 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 purchased 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.

Amended by R.1994 d.8, effective January 3, 1994.

See: 25 N.J.R. 4849(a), 26 N.J.R. 235(c).

Amended by R.1995 d.21, effective January 3, 1995.

See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).

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

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

Administrative correction.

See: 29 N.J.R. 424(b).

Amended by R.1999 d.132, effective April 19, 1999.

See: 31 N.J.R. 250(a), 31 N.J.R. 1067(a).

Added (h).

10A:2-2.3 Individual savings accounts

(a) Inmates may establish individual savings accounts in commercial banks or savings institutions upon approval of the Superintendent. These accounts may take the form of:

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

(b) Subject to approval by the Superintendent, inmates may be permitted to retain passbooks, account statements and deposits slips.

(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 Superintendent.

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

10A:2-2.4 Written procedures

Each correctional facility shall develop written policies and 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.

Amended by R.1995 d.21, effective January 3, 1995.
 See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).

10A:2-3.2 Accountability and expenditure

- (a) As required by N.J.S.A. 30:4-1.1k, the institutional Boards of Trustees are trustees of public funds.
- (b) The institutional Boards of Trustees shall be responsible for the maintenance of proper accounts and the appropriate expenditure 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 recreation equipment, books, or movies.
- (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, automobiles, or typewriters.
- (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.

Amended by R.1995 d.21, effective January 3, 1995.
 See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).

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 Superintendent or administrative unit head.

(b) The Superintendent or administrative unit head or his or her designee shall contact the Internal Affairs Unit immediately to investigate the loss.

(c) Pursuant to N.J.A.C. 10A:21-5.4, the Internal Affairs Unit, at the direction of the Superintendent, shall serve as the liaison to all outside law enforcement agencies.

Recodified from 10A:2-5.2 by R.1995 d.21, effective January 3, 1995.
 See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).
 Prior text at 10A:2-5.1, Definition, repealed.

10A:2-5.2 Reporting the loss of funds to the Assistant Commissioner, Division of Administration; referral to Deputy Commissioner

(a) Within 48 hours after the loss is discovered, a written report of the loss shall be submitted to the Assistant Commissioner, Division of Administration, with a copy to the Office of the Commissioner.

(b) The Assistant Commissioner, Division of Administration, 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 to the Deputy Commissioner, Division of Administration, who will determine the appropriate source of funds to dispose of the loss claim.

Recodified from 10A:2-5.3 and 5.4, and amended by R.1995 d.21, effective January 3, 1995.
 See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).

SUBCHAPTER 6. INMATE REIMBURSEMENT FOR LOST, DAMAGED OR DESTROYED PERSONAL PROPERTY

10A:2-6.1 Filing a claim at an adult or juvenile institution 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 Form 943-I INMATE CLAIM FOR LOST, DAMAGED OR DESTROYED PERSONAL PROPERTY and submit the Form to the Superintendent or his or her designee.

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

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

2. Verifying the inmate's legitimate possession of the lost, damaged or destroyed personal property.

(c) Verification of possession of lost, damaged or destroyed personal property may be made by reviewing documents such as the personal property inventory form maintained by the correctional facility (see N.J.A.C. 10A:1-11.6).

(d) Upon completion of the investigation, the Form 943-I along with a copy of the investigative report shall be submitted to the Business Manager of the correctional facility for review.

(e) The Business Manager shall review the Form 943-I and the Custody Operations' investigative report and complete Form 943-II CERTIFICATION OF INMATE CLAIM indicating the Business Manager's recommendation to approve or deny the claim and the reasons therefor.

(f) Form 943-I, Form 943-II and the Custody Operations' investigative report shall be submitted, by the Business Manager, to the Superintendent to be denied or recommended for approval.

(g) Claims that are denied by the Superintendent shall not be processed any further. In all cases of denial, the inmate shall be notified in writing by the Superintendent with substantiating reasons.

(h) If the Superintendent recommends approving a claim, the Superintendent shall complete Form 943-III REVIEW OF INMATE CLAIM and request that the Business Manager of the correctional facility complete STATE OF NEW JERSEY PAYMENT VOUCHER-VENDOR INVOICE and have said INVOICE presented to the inmate for his or her signature.

(i) The signed STATE OF NEW JERSEY PAYMENT VOUCHER-VENDOR INVOICE along with Forms 943-I, 943-II, 943-III and the Custody Operations' investigative report shall be submitted by the Superintendent to the Assistant Commissioner, Division of Operations, for review.

(j) The Assistant Commissioner, Division of Operations, shall review the claim and determine whether to approve or disapprove the claim.

(k) If the Assistant Commissioner, Division of Operations, disapproves the claim, he or she shall sign and date Form 943-III and return the entire packet of documents to the Superintendent.

(l) If the Assistant Commissioner, Division of Operations, approves the claim, he or she shall sign and date Form 943-III and submit the entire packet of documents, listed in (i) above, to the Chief, Bureau of Accounts, to be reviewed for compliance with the requirements of this section.

(m) When a claim is not in compliance with the requirements of this section the Chief, Bureau of Accounts, shall return the entire packet to the Assistant Commissioner, Division of Operations with the reasons therefor.

(n) When a claim is in compliance with the requirements of this section, the Chief, Bureau of Accounts, shall indicate "Compliance" on Form 943-III and submit the entire packet to the Deputy Commissioner for approval or disapproval.

(o) Claim packets approved by the Deputy Commissioner shall be returned to the Chief, Bureau of Audits and Accounts, for payment. Disapproved claim packets shall be returned to the Assistant Commissioner, Division of Operations, with the reason(s) for disapproval noted.

Administrative Change.

See: 25 N.J.R. 3218(a).

Recodified from 10A:2-6.2 and amended by R.1995 d.21, effective January 3, 1995.

See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).

Prior text at 10A:2-6.1, Inmate personal property defined, repealed.

10A:2-6.2 Filing a claim at an adult community service center

(a) When an inmate assigned to an adult community service center 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 Form 943-I INMATE

CLAIM FOR LOST, DAMAGED OR DESTROYED PERSONAL PROPERTY and submit the Form to the Superintendent or his or her designee.

(b) The Superintendent or his or her designee shall designate a staff member to investigate the claim and prepare a report.

(c) Upon completion of the investigation, the Form 943-I along with a copy of the investigative report shall be submitted to the Superintendent to be denied or recommended for approval.

(d) Claims that are denied by the Superintendent shall not be processed any further. In all cases of denial, the inmate shall be notified in writing by the Superintendent with substantiating reasons.

(e) If the Superintendent recommends approving the claim, the Superintendent shall submit Form 943-I, Form 943-II, 943-III, and STATE OF NEW JERSEY PAYMENT VOUCHER-VENDOR INVOICE signed by the inmate and the investigative report to the Chief, Bureau of Community and Professional Services, within the Division of Operations, for review.

(f) If the Chief, Bureau of Community and Professional Services, denies the inmate's claim, the substantiating reasons shall be documented on Form 943-II and returned to the facility Superintendent along with the entire package of documents.

(g) If the Chief, Bureau of Community and Professional Services recommends approving the claim, he or she shall submit the entire packet of documents to the Assistant Commissioner, Division of Operations, for review.

(h) The Assistant Commissioner shall review the claim and determine whether to approve or disapprove the claim.

(i) If the Assistant Commissioner disapproves the claim, he or she shall sign and date Section IV on Form 943-III and return the entire package of documents to the Chief, Bureau of Community and Professional Services, who will return these documents to the Superintendent.

(j) If the Assistant Commissioner approves the claim, he or she shall sign and date Section IV on Form 943-III and submit the entire packet of documents listed in (e) above, to the Chief, Bureau of Accounts, to be received for compliance with the requirements of this section.

(k) When a claim is not in compliance with the requirements of this section, the Chief, Bureau of Accounts, shall return the entire packet to the Assistant Commissioner, Division of Operations, with the reasons therefor.

(l) When a claim is in compliance with the requirements of this section, the Chief, Bureau of Accounts, shall indicate

"Compliance" and submit the entire packet to the Deputy Commissioner for approval or disapproval.

(m) Claim packets approved by the Deputy Commissioner shall be returned to the Chief, Bureau of Audits and Accounts for payment. Claim packets disapproved by the Deputy Commissioner shall be returned to the Assistant Commissioner, Division of Operations, with the reason(s) for disapproval noted.

Administrative Change.
See: 25 N.J.R. 3218(a).
Recodified from 10A:2-6.4 and amended by R.1995 d.21, effective January 3, 1995.
See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).

10A:2-6.3 Decision making factors for approving or denying a claim

(a) The following factors should be considered before recommending approval or disapproval of claims:

1. Whether the investigation disclosed any neglect by the correctional facility;
2. Whether care was exercised by facility personnel in preventing property loss, damage or destruction;
3. Whether the inmate exercised care in preventing property loss, damage or destruction;
4. Whether it has been proven that the inmate was authorized to have and did, in fact, possess the item(s) mentioned in the claim;
5. Whether sufficient information has been supplied by the inmate, including proper receipts, witnesses and investigative reports;
6. Whether the loss or damage exceeds authorized amounts of correctional facility personal property limits;
7. Whether the personal property is considered contraband; and
8. Whether other reviewers recommended denial of the claim and the reasons therefor.

Recodified from 10A:2-6.5 by R.1995 d.21, effective January 3, 1995.
See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).
Prior text at 10A:2-6.3, Filing a claim at a juvenile community residential center, repealed.

10A:2-6.4 Time limit for filing a claim

(a) It shall be the inmate's responsibility to initiate the claim by completing Form 943-I INMATE CLAIM FOR LOST, DAMAGED OR DESTROYED PERSONAL PROPERTY within 15 days of the incident or discovery of the incident.

(b) Unless there are exceptional circumstances which require extending the investigative process, the claim form and accompanying documents shall be submitted to the Deputy Commissioner within one month of the filing of the claim by the inmate.

Recodified from 10A:2-6.6 by R.1995 d.21, effective January 3, 1995.
See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).

10A:2-6.5 Notification of inmates

The written procedures contained in this subchapter shall be incorporated into the next revision of the correctional facility's inmate handbook.

Recodified from 10A:2-6.7 by R.1995 d.21, effective January 3, 1995.
See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).

10A:2-6.8 (Reserved)

Repealed by R.1995 d.21, effective January 3, 1995.
See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).
Section was "Forms".

SUBCHAPTER 7. RESTITUTION FOR ITEMS DAMAGED OR DESTROYED

10A:2-7.1 Imposition of restitution

(a) As a result of disciplinary action taken against an inmate, the Institutional Classification Committee (I.C.C.) may impose restitution as a sanction on an inmate upon the recommendation of:

1. The Disciplinary Hearing Officer; or
2. The Adjustment Committee.

Recodified from 10A:2-7.2 by R.1995 d.21, effective January 3, 1995.
See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).
Prior text at 10A:2-7.1, Definition of restitution, repealed.

10A:2-7.2 Appeal of restitution

An inmate may appeal the imposition of restitution as a sanction by following the procedures outlined in N.J.A.C. 10A:4-11, Appeals of Disciplinary Decisions.

Recodified from 10A:2-7.3 by R.1995 d.21, effective January 3, 1995.
See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).

10A:2-7.3 Amount of restitution

(a) The amount of restitution ordered shall equal the cost of replacement or repair of the item(s) damaged or destroyed.

(b) Each correctional facility shall develop written policies and procedures for determining the cost of replacing or repairing an item(s) that has been damaged or destroyed.

Recodified from 10A:2-7.4 by R.1995 d.21, effective January 3, 1995.
See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).

10A:2-7.4 Role of the Superintendent

(a) When the sanction of restitution has been imposed, the Superintendent shall:

1. Review the inmate's appeal, if one is submitted; and
2. Affirm or modify the sanction in accordance with N.J.A.C. 10A:4-11.5, Disposition of appeal, as is deemed appropriate.

(b) If the Superintendent affirms the sanction of restitution, the Superintendent shall order the Business Manager to withdraw funds from the inmate's account for the purpose of restitution.

Recodified from 10A:2-7.5 by R.1995 d.21, effective January 3, 1995.
See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).

10A:2-7.5 Role of the Business Manager

(a) Upon receipt of the order from the Superintendent, the Business Manager or his or her designee shall remove with the posting of each month's State pay or funds from other sources, any amount of funds in excess of a \$15.00 balance from the inmate's account until restitution has been made in full.

(b) Funds collected for restitution must be deposited and recorded in accordance with the Department of Treasury and the Department of Corrections' policies and procedures.

(c) Each removal of funds from an inmate's account shall be noted on the inmate's account's record. The inmate shall be informed in writing of each removal of funds for restitution from the inmate's account and a copy of the notification shall be placed in the inmate's classification folder.

(d) In the event an inmate is transferred to another correctional facility within the Department of Corrections, the Business Manager or his or her designee shall notify the receiving correctional facility and the inmate, in writing, of the remaining restitution balance. The notification shall also request that funds continue to be removed from the inmate's account until restitution has been made in full.

(e) The Business Manager of the receiving correctional facility shall forward all funds collected for restitution to the correctional facility which suffered the loss involved.

(f) In the event an inmate is released with funds due the correctional facility for restitution, the facility shall regard the debt as uncollectable.

(g) Any amount owed by an inmate upon release shall not be deducted from the financial aid an inmate may receive from the Bureau of Parole, New Jersey Department of Corrections.

Recodified from 10A:2-7.6 by R.1995 d.21, effective January 3, 1995.
See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).

SUBCHAPTER 8. FINANCIAL AID UPON RELEASE FROM CORRECTIONAL FACILITIES

10A:2-8.1 Provision of financial aid

(a) A limited amount of financial aid may be provided, upon request, to persons released:

1. To parole supervision;
2. To preparole status in the Electronically Monitored Home Confinement Program; or
3. Upon expiration of a sentence.

(b) Financial aid may be provided to the types of persons listed in (a) above if they can satisfy the criteria of eligibility and if there is a demonstrated need.

10A:2-8.2 Eligibility for financial aid

(a) Inmates released at expiration of their maximum sentences or paroled from the following correctional facilities or programs are eligible for consideration for financial aid:

1. Juvenile facilities, Department of Corrections;
2. Adult facilities, Department of Corrections;
3. State sentenced inmates released from or paroled from county facilities;
4. State sentenced inmates released from or paroled from Community Residential Centers;
5. Inmates sentenced in other states who have been paroled to New Jersey during the period these persons are under parole supervision;
6. State sentenced inmates released or paroled to bench warrants or commitment detainers, if released to the community, after or while awaiting disposition of charges; and
7. County sentenced inmates released to parole supervision, during the period these persons are under parole supervision.

(b) State sentenced inmates placed in the community prior to parole and subject to the Electronically Monitored Home Confinement Program are eligible for consideration for financial aid.

10A:2-8.3 Criteria for grant of financial aid

(a) Persons with the circumstances listed below who may be considered when determining grant eligibility and the amount of the grant include, but are not limited to:

1. Persons who initially have no alternate funds available;
2. Persons without family or friends;
3. Persons from families with marginal incomes; or

4. Persons with other circumstances deemed sufficient to justify a grant.

(b) In reaching a decision to grant financial aid, the District Parole Supervisor or the Institutional Parole Officer (I.P.O.) shall consider the following factors:

1. The urgency and amount of the request;
2. The circumstances or facts which support the legitimacy of the request;
3. The availability of funds from any alternative source, such as:
 - i. Family members;
 - ii. Employers; or
 - iii. Other state or local agencies; and
4. Whether sufficient budgeted funds are available.

10A:2-8.4 Responsibility for determination of financial aid grant

(a) The District Parole Supervisor shall determine financial aid for the following:

1. Persons paroled from juvenile and adult facilities of the New Jersey Department of Corrections;
2. Persons paroled from county correctional facilities on State or county sentences;
3. Persons placed on preparole status in the Electronically Monitored Home Confinement Program;
4. State sentenced persons released at expiration of sentence from county correctional facilities;
5. Persons released at expiration of sentence from juvenile and adult facilities of the New Jersey Department of Corrections; and
6. Persons, sentenced in other states, who have been paroled to New Jersey and are under the active supervision of the Bureau of Parole, Department of Corrections.

(b) The Institutional Parole Officer (I.P.O.) shall be responsible for assessing the financial needs of:

1. Persons to be released at expiration of sentence from juvenile and adult facilities of the New Jersey Department of Corrections, including satellite units; and
2. Persons paroled from juvenile and adult facilities of the Department of Corrections to out-of-State plans.

10A:2-8.5 Amount of financial aid; periods of availability

(a) State sentenced inmates who are released from correctional facilities upon expiration of their maximum sentences are eligible for consideration to receive a single grant of up to \$100.00 in financial aid, limited to the six month period following release.

(b) During the 12 month period following release to parole or home confinement, a maximum of \$300.00 may be provided to applicants who remain under parole supervision (see N.J.A.C. 10A:2-8.4(a)). The installments may be as follows:

1. An initial grant of up to \$100.00 upon release from the correctional facility;
2. An additional grant up to \$100.00 within the first 30 days following release; and
3. An additional grant(s) up to \$100.00 within 12 months following release.

(c) The Chief or Assistant Chief, Bureau of Parole, may give written approval for financial aid in excess of the \$100.00 initial grant or of the \$300.00 within the 12 month period in exceptional circumstances or hardship, as for example:

1. Persons who have a good probability of obtaining steady employment;
2. Juveniles without families;
3. Juveniles from families with marginal incomes; or
4. Other circumstances deemed sufficient to justify an additional grant of financial aid.

(d) An additional grant(s) up to \$300.00 may be provided in any 12 month period following the first 12 months of release if an urgent need and the lack of an alternate source(s) of funds can be demonstrated.

10A:2-8.6 Maintenance of accounts and records

(a) Complete records shall be maintained on every transaction, and these records shall include, but not be limited to:

1. An ongoing account balance;
2. The numbered check stubs;
3. A photocopy of every check issued;
4. A signed receipt for each check issued;
5. The voided checks;
6. A monthly reconciled bank statement;
7. The cancelled checks; and
8. Form 814.07 REQUEST FOR REPLENISHMENT OF FUNDS.

10A:2-8.7 Reimbursement

(a) Persons receiving financial aid may reimburse the State of New Jersey for all or part of any financial aid.

(b) Reimbursements are voluntary and shall be noted in the record of the person who received financial aid grant.

(c) If the person receiving financial aid is under active parole supervision, an entry of both the grant and any reimbursement shall be made in the chronological parole supervision report.

(d) Reimbursements by check or money order should be made out to "Treasurer, State of New Jersey." An explanatory memo along with the check or money order shall be forwarded by the Bureau of Parole Unit receiving the reimbursement to the New Jersey Department of Corrections, Central Office Business Office, with a copy to the Assistant Chief of Administration, Bureau of Parole.

(e) Reimbursements of cash shall be receipted and deposited within 24 hours of receipt into a local bank which maintains an account established and specifically approved by the Department of the Treasury as a depository for these funds. The deposit slip, together with an explanatory memo shall be forwarded to the New Jersey Department of Corrections, Central Office Business Office, with a copy to the Assistant Chief of Administration, Bureau of Parole. The Bureau of Parole shall be responsible for implementing and maintaining adequate controls to safeguard the reimbursements of cash from theft or misuse, and providing an appropriate accounting for all funds received.

10A:2-8.8 Monthly report

(a) No later than the fifth working day of each month, the District Parole Supervisor or his or her designee in each District Office, the Institutional Parole Officer (I.P.O.), and the Central Office Designee shall prepare and forward a report to the Assistant Chief of Administration, Bureau of Parole.

(b) The monthly report shall include, but not be limited to:

1. The total amount of funds disbursed during the preceding month; and
2. The number of grants issued.

(c) Within 15 days following the end of each month, the District Parole Supervisors, Institutional Parole Officers, and the Central Office Designee shall prepare and submit a report to the New Jersey Department of Corrections, Central Office Business Office, on Form 814.08 FINANCIAL AID ACCOUNT.

10A:2-8.9 (Reserved)

Repealed by R.1995 d.21, effective January 3, 1995.
See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).
Section was "Forms".

SUBCHAPTER 9. GIFTS

10A:2-9.1 Gifts of money with specifications as to use

Gifts of money with specifications as to their use shall be recorded as Special Revenue Dedicated Funds when re-

ceived by the Superintendent in accordance with the State of New Jersey Chart of Appropriation/Revenue accounts, codes and titles. These gifts shall be used in accordance with the specification of the donor(s).

Recodified from 10A:2-9.3 by R.1995 d.21, effective January 3, 1995.
See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).
Prior text at 10A:2-9.1, Definition, repealed.

10A:2-9.2 Gifts of money without specifications as to use

(a) Gifts of money without specifications for their use shall be placed in the Inmate Welfare Fund Account and used for the welfare of inmates.

(b) Pursuant to N.J.S.A. 30:4-1.1k, the Inmate Welfare Fund Account is under the supervision of the Institutional Board of Trustees which shall authorize all expenditures of donations without specifications as to use.

Recodified from 10A:2-9.4 by R.1995 d.21, effective January 3, 1995.
See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).
Prior text at 10A:2-9.2, Forms, repealed.

10A:2-9.3 Gifts from inmates to inmate organizations

(a) Gifts, other than money, may be donated by inmates to inmate organizations.

(b) The Superintendent shall determine the inmate organization which will receive the gift(s) donated by inmates.

Recodified from 10A:2-9.5 by R.1995 d.21, effective January 3, 1995.
See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).

10A:2-9.4 (Reserved)

Recodified from 10A:2-9.6 and amended by R.1995 d.21, effective January 3, 1995.
See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).
Repealed by R.1996 d.9, effective January 2, 1996.
See: 27 N.J.R. 3673(a), 28 N.J.R. 151(a).
Section was "Gifts of computers".

10A:2-9.5 Gifts of vehicles or vehicle parts

(a) Prior to accepting a gift of a vehicle or vehicle parts, the proposal shall be referred by the Superintendent or Administrative Unit Head to the Assistant Commissioner, Division of Administration. The vehicle and vehicle parts must benefit the Department of Corrections and funds must be designated for the costs associated with the operation and maintenance of the vehicle.

(b) Upon review of the proposal of a gift of a vehicle or vehicle parts, by the Assistant Commissioner, Division of Administration, the Assistant Commissioner shall approve or disapprove the proposal.

(c) The written approval or disapproval of the proposal of a gift of a vehicle or vehicle parts shall be returned to the Superintendent or Administrative Unit Head.

Recodified from 10A:2-9.7 and amended by R.1995 d.21, effective January 3, 1995.

See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).

10A:2-9.6 Gifts for capital construction

(a) Prior to accepting a gift for capital construction, the proposal of the gift shall be referred by the Superintendent or Administrative Unit Head to the Assistant Commissioner, Division of Administration.

(b) Upon review by the Assistant Commissioner, Division of Administration, the proposal of a gift for capital construction shall be submitted to the Commissioner, Department of Corrections, with a recommendation for approval or disapproval.

(c) The Commissioner's written approval or disapproval of the proposed gift for capital construction shall be returned to the Assistant Commissioner, Division of Administration.

(d) The Assistant Commissioner, Division of Administration, shall be responsible for notifying the Superintendent or Administrative Unit Head of the Commissioner's approval or disapproval of the proposed gift for capital construction.

Recodified from 10A:2-9.8 and amended by R.1995 d.21, effective January 3, 1995.
See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).

10A:2-9.7 Gifts for research purposes

Gifts for research purposes shall not be accepted until the research project has been reviewed and approved by the Commissioner, Department of Corrections, in accordance with N.J.A.C. 10A:1-10, Research.

Recodified from 10A:2-9.9 and amended by R.1995 d.21, effective January 3, 1995.
See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).

10A:2-9.8 Gifts of medical supplies or medical equipment

(a) Prior to accepting gifts consisting of medical supplies or equipment, the Superintendent or Administrative Unit Head shall submit notification of the availability of these gifts to the Supervisor, Health Services Unit, Office of Institutional Support Services (O.I.S.S.).

(b) The Supervisor, Health Services Unit, O.I.S.S. shall submit the notification regarding the gifts of medical supplies or equipment to the Assistant Commissioner, Division of Administration, for approval or disapproval.

(c) The written approval or disapproval of the gift of medical supplies or equipment shall be returned to the Supervisor, Health Services Unit, O.I.S.S.

(d) The Supervisor, Health Services Unit, shall designate the appropriate placement of such supplies and equipment.

(e) The Supervisor, Health Services Unit, O.I.S.S. shall be responsible for accepting the gifts of medical supplies or equipment and for notifying the Superintendent or Administrative Unit Head receiving the gifts in order that arrangements for the transportation of the gifts to the correctional facility or unit may be made.

Recodified from 10A:2-9.10 and amended by R.1995 d.21, effective January 3, 1995.
See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).

10A:2-9.9 Gifts which may result in financial burdens or obligations

(a) Gifts which may impose a financial burden or obligation upon the State of New Jersey shall not be accepted by a Superintendent or Administrative Unit Head without receiving written approval from the Commissioner or his or her designee.

(b) Upon receiving the approved gift at the correctional facility, the Superintendent or Administrative Unit Head shall submit a written notification to the Assistant Commissioner who is responsible for the operation of the correctional facility or administrative unit.

(c) The Assistant Commissioner shall notify the Commissioner when the gift has been received.

Recodified from 10A:2-9.11 by R.1995 d.21, effective January 3, 1995.
See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).

10A:2-9.10 Use of gifts to purchase supplies or equipment

(a) If supplies or equipment are purchased with funds made available by gifts, such items shall be purchased from a vendor currently under contract to supply these items to the State of New Jersey, if a vendor is available.

(b) If supplies or equipment cannot be purchased from a vendor currently under State contract, the Superintendent or Administrative Unit Head shall secure competitive price quotations consistent with the current State of New Jersey procurement policy as delineated in the Department of the Treasury's Circular Letters.

Recodified from 10A:2-9.12 and amended by R.1995 d.21, effective January 3, 1995.
See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).

10A:2-9.11 Reports of gifts of money or material

(a) The Superintendent and Administrative Unit Head or his or her designee shall ensure that all assets obtained as gifts be recorded in accordance with current Department of Treasury policy regarding Fixed Assets Inventory Records.

(b) The Superintendent or Administrative Unit Head or his or her designee shall implement and maintain an adequate control system to safeguard gifts of money and other assets from theft and misuse, and provide an appropriate accounting of all gifts received.

(c) Superintendent and Administrative Unit Heads shall complete and attach a FORM 947-I, MONTHLY REPORT OF GIFTS RECEIVED to their monthly reports which list all gifts of money or material received having a value in excess of \$100.00 along with the conditions, limitations or restrictions placed by the donor(s) on the use of such gifts.

(d) If gifts of money in amounts that are less than \$100.00 are received on several occasions during the calendar year from the same source, the total amount from the donor shall be reported when it exceeds \$100.00.

(e) As a part of the Annual Report to the Assistant Commissioner, Superintendents and Administrative Unit Heads shall report on FORM 947-II, ANNUAL REPORT OF GIFTS RECEIVED all gifts received during the fiscal year and the progress of projects funded by these gifts.

Recodified from 10A:2-9.13 by R.1995 d.21, effective January 3, 1995. See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).

SUBCHAPTER 10. GRANTS

10A:2-10.1 Responsibilities of the Grants Manager

(a) The Grants Manager shall review and process proposals, concept papers and other requests for all grants from non-State budgeted agencies.

(b) The responsibilities of the Grants Manager shall include, but are not limited to:

1. Serving as the official liaison between the Department of Corrections and all sources which issue grants;
2. Reviewing, evaluating and coordinating all grant proposals for funding;
3. Providing technical and other assistance to applicants for grants, as indicated;
4. Ensuring that applicants for grants comply with Federal, State and Department of Corrections' guidelines and procedures relating to the use of grants; and
5. Transmitting all applications for grants to the Commissioner for review, approval and signature.

Recodified from 10A:2-10.2 by R.1995 d.21, effective January 3, 1995. See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).

Prior text at 10A:2-10.1, Definitions, repealed.

10A:2-10.2 Planning

For planning purposes, any correctional facility or administrative unit contemplating a non-State funded project shall submit a memorandum containing information on the major components of the contemplated project request to the Grants Manager as soon as this information is available.

Recodified from 10A:2-10.13 by R.1995 d.21, effective January 3, 1995. See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).

10A:2-10.3 Procedures for processing grants

(a) The Grants Manager shall process all proposals, concept papers and funding requests to outside funding agencies. No grant application will be approved by the Commissioner unless it has been reviewed and processed by the Grants Manager.

(b) Before proposals, concept papers and grant applications are submitted to any outside agency for funding, the Grants Manager shall review them with regard to:

1. Duplication of project applications;
2. Compliance with Department of Corrections' policies and procedures; and
3. Providing current information regarding grants and funding to the Commissioner.

(c) After reviewing the proposal, the Grants Manager shall contact the Project Director regarding any problems that may have developed and may suggest appropriate solutions to resolve them.

(d) If the proposal is modified in any way, the final proposal shall be submitted to the Grants Manager for transmittal to the Commissioner for review, approval and signature.

(e) When approved by the Commissioner, the proposal shall then be submitted to the appropriate agency by the Grants Manager with a copy to the Project Director.

(f) If contracts are made with outside funding agencies, the Grants Manager must be aware of these contracts immediately.

(g) After a proposal is funded, all contracts, including correspondence, with the funding agency shall be reported immediately to the Grants Manager.

(h) Reports on the activities of funded projects shall be forwarded to the Grants Manager for transmittal to the funding agency.

(i) The Grants Manager shall be informed of the intentions of the Project Director regarding future requests for continued funding of the project.

Recodified from 10A:2-10.4 by R.1995 d.21, effective January 3, 1995. See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).

10A:2-10.4 Reports

The Superintendent or agency head shall complete Form 950-I FISCAL REPORT OF GRANTS RECEIVED and Form 950-II REPORT OF PROGRESS OF PROJECTS FUNDED BY GRANTS and submit these forms to the Assistant Commissioner along with the Annual Report.

Recodified from 10A:2-10.5 and amended by R.1995 d.21, effective
January 3, 1995.
See: 26 N.J.R. 4299(a), 27 N.J.R. 118(a).