

(b) Inmates requesting information or services are directed to contact the Department of Corrections, Office of the Ombudsman by mail at PO Box 863, Trenton, New Jersey 08625 -0863 or by making a collect telephone call to (609) 292-8020. The Ombudsman is the only Administrative office of the Department of Corrections authorized to accept collect calls from inmates.

(c) Requests for government records pursuant to the Open Public Records Act at N.J.S.A. 47:1A-1 et seq. shall be handled in accordance with N.J.A.C. 10A:22.

Amended by R.1993 d.635, effective December 6, 1993.  
See: 25 N.J.R. 4552(a), 25 N.J.R. 5475(a).  
Amended by R.2001 d.455, effective December 3, 2001.  
See: 33 N.J.R. 2941(a), 33 N.J.R. 4106(a).

In (a), inserted "by assessing the official Department of Corrections website at [www.state.nj.us/corrections](http://www.state.nj.us/corrections)," following "08625-0863".  
Amended by R.2003 d.176, effective May 5, 2003.  
See: 35 N.J.R. 331(a), 35 N.J.R. 1898(a).

In (a), substituted "accessing" for "assessing" preceding "the official Department of Corrections website"; added (c).

**10A:1-1.4 Reimbursement for costs of copying**

(a) Pursuant to N.J.S.A. 47:1A-2, correctional facilities and other administrative units within the Department of Corrections may charge the following fees for copying records deemed to be public:

- 1. First through 10th page \$0.75 per page
- 2. Eleventh through 20th page \$0.50 per page
- 3. All pages over 20 \$0.25 per page

(b) Government agencies are exempt from cost of copying of documents.

(c) The copying fees for documents or records other than records deemed to be public shall also be based on the fee schedule in (a) above.

(d) When or if fees for the copying of public records change in accordance with the N.J.S.A. 47:1A-2, these changes shall be published as a notice of administrative change in the New Jersey Register.

New Rule, R.1993 d.635, effective December 6, 1993.  
See: 25 N.J.R. 4552(a), 25 N.J.R. 5475(a).

**10A:1-1.5 Rulemaking activity**

(a) Department of Corrections rules are promulgated pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and N.J.A.C. 1:30.

(b) The New Jersey Administrative Code (N.J.A.C.) is the official publication of the Office of Administrative Law and contains all effective rules adopted in accordance with the Administrative Procedure Act by agencies of the State of New Jersey. The rules of the Department of Corrections are established within N.J.A.C. Title 10A, Corrections.

(c) The public may make submissions or requests regarding the promulgation, amendment and repeal of any Departmental rules in accordance with N.J.A.C. 10A:1-1.2, Procedure to petition for rulemaking.

mental rules in accordance with N.J.A.C. 10A:1-1.2, Procedure to petition for rulemaking.

New Rule, R.2001 d.455, effective December 3, 2001.  
See: 33 N.J.R. 2941(a), 33 N.J.R. 4106(a).

**10A:1-1.6 Notice of a proposed rule and opportunity to be heard**

(a) A notice of a proposed rule may consist of:

- 1. A proposed new rule;
- 2. A proposed amendment to modify, alter or revise an existing rule;
- 3. A proposed repeal of a rule; or
- 4. A proposed readoption of a rule.

(b) The Department of Corrections provides the following four types of publicity for a notice of a rule proposal:

- 1. Publication in the New Jersey Register (N.J.R.), a semi-monthly official publication of the Office of Administrative Law which contains all Departmental rule proposals and adoptions;
- 2. Distribution of the notice or a statement of the substance of the proposed rulemaking activity to the news media maintaining a press office in the New Jersey State House Complex;
- 3. Posting of the notice or a statement of the substance of the proposed rulemaking activity on the official website of the New Jersey Department of Corrections at [www.state.nj.us/corrections](http://www.state.nj.us/corrections); and
- 4. Distribution of the notice or a statement of the substance of the proposed rulemaking activity mailed to persons or organizations likely to be affected by or interested in the intended action such as, but not limited to, New Jersey State Law Libraries, the New Jersey State Parole Board, the American Civil Liberties Union of New Jersey, the New Jersey Association of Corrections, Departmental administrative staff, the custody staff bargaining unit, inmate advocacy groups, correctional facility Inmate Liaison Committees, correctional facility law libraries, and individuals or entities who request (see N.J.A.C. 10A:1-1.3) to be advised of the Department's proposed rulemaking activities.

(c) Notice of a rule proposal shall include a designated public comment period and specific information regarding to whom comments may be submitted.

- 1. Comments must be submitted to the individual at the address designated within the notice of a rule proposal in order to be considered by the Department;
- 2. Comments submitted for a notice of a rule proposal must fall within the scope of the subject matter of the rule proposal. Comments that do not fall within the scope shall be summarized in the notice of adoption along with

a statement that the comment does not fall within the scope of the subject matter of the notice of a rule proposal; and

3. Except for comments made orally at a public hearing, comments submitted regarding a notice of a rule proposal must be in writing, legible and intelligible in order to be considered by the Department.

(d) The Department may extend the designated public comment period:

1. When deemed necessary by the Department; or

2. For a period of 30 days, when, within 30 days of the publication of a proposal, sufficient public interest is demonstrated in an extension of the time for comment submissions. For purposes of this subsection, sufficient public interest for granting an extension of the public comment period exists when 50 or more individuals have communicated the need for the extension of the comment period in writing to the Department of Corrections. This communication must be directed to the individual who has been designated to receive comments in the notice of a rule proposal.

(e) A public hearing on the proposed rulemaking activity shall be conducted by the Department when:

1. A request for a public hearing from a committee of the Legislature, or a governmental agency or subdivision, is made to the Department within 30 days of the publication of the proposed rulemaking activity in the N.J.R.; or

2. Sufficient public interest is shown by the public. For purposes of this subsection, sufficient public interest for conducting a public hearing exists when 100 or more individuals have communicated the need for a public hearing and the basis for such a need in writing to the Department. This communication must be directed to the individual who has been designated to receive comments in the notice of a rule proposal.

i. In the calculation of the number of comments received expressing the need for a public hearing, the Department shall not consider the following:

(1) Comments from incarcerated individuals not authorized to attend a public hearing;

(2) Comments that relate to specific recommended amendments in the rule that the Department has agreed to make;

(3) Comments that relate to amendments that the Department does not have the legal authority to make; or

(4) Comments that relate to amendments that are required by law.

New Rule, R.2001 d.455, effective December 3, 2001.  
See: 33 N.J.R. 2941(a), 33 N.J.R. 4106(a).

### 10A:1-1.7 Calendar of Departmental rule activity

(a) A quarterly calendar of anticipated Departmental proposed rulemaking activities for the next six months may be available and published in the first New Jersey (N.J.R.) in the months of January, April, July and October.

1. When the Department of Corrections provides a 60 day comment period as indicated in the N.J.R. publication of a notice of a rule proposal, the calendar notice and N.J.R. publication of a calendar notice shall not be required.

2. When the Department of Corrections publishes a calendar in the N.J.R., access to the calendar may be obtained from:

i. The N.J.R. in issues from the months listed in (a) above;

ii. The official website of the Department of Corrections at [www.state.nj.us/corrections](http://www.state.nj.us/corrections); and

iii. By contacting the Department in accordance with N.J.A.C. 10A:1-1.3.

3. When the Department of Corrections publishes a calendar in the N.J.R., the calendar shall be:

i. Provided to the news media maintaining a press office in the New Jersey State House Complex; and

ii. Distributed to persons or groups likely to be affected by or interested in the calendar of anticipated Departmental proposed rulemaking activities such as, but not limited to, New Jersey State Law Libraries, the New Jersey State Parole Board, the American Civil Liberties Union of New Jersey, the New Jersey Association of Corrections, Departmental administrative staff, the custody staff bargaining unit, inmate advocacy groups, correctional facility Inmate Liaison Committees, correctional facility law libraries, and individuals or entities who have requested (see N.J.A.C. 10A:1-1.3) to be advised of the calendar of anticipated Departmental proposed rulemaking activities.

4. The reimbursement for costs of copying the anticipated Department of Corrections calendar of proposed rulemaking activities for the next six months when published in an issue of the N.J.R. shall be in accordance with N.J.A.C. 10A:1-1.4, Reimbursement for costs of copying.

New Rule, R.2001 d.455, effective December 3, 2001.  
See: 33 N.J.R. 2941(a), 33 N.J.R. 4106(a).

## SUBCHAPTER 2. GENERAL PROVISIONS

### 10A:1-2.1 Scope

(a) Unless otherwise stated, N.J.A.C. 10A:1 through 10A:30 shall be applicable to State correctional facilities under the jurisdiction of the Department of Corrections.