

1. Space and staff limitations;
2. Availability of supplies;
3. The availability and operability of typewriters and/or word processors;
4. The secure and orderly operation of the correctional facility; and
5. The verified need of certain inmates to meet time requirements for filing legal documents.

(c) The Legal Services Coordinator, Department of Corrections is responsible for the initial purchase of legal reference materials.

(d) The initial purchase of legal reference material shall be consistent with law and correctional facility needs.

(e) The correctional facility Administrator or designee shall be responsible for the maintenance and updating of the inmate law library.

(f) Maintenance of the inmate law library includes:

1. Annual update costs; and
2. Replacement of lost or damaged volumes and legal materials.

(g) As part of the annual budget request, the Administrator or designee shall include a specific request (line item) for budgeted funds to maintain the inmate law library. An alternative source of funds shall be used for maintenance of the inmate law library if the specified budget request is reduced or eliminated.

(h) Information concerning costs and sources of legal materials may be obtained from the Legal Services Coordinator. All purchases of reference materials shall be cleared through the Legal Services Coordinator's office.

Amended by R.1992 d.470, effective December 7, 1992.  
See: 24 N.J.R. 2799(a), 24 N.J.R. 4390(b).

Revised (c).

Amended by R.1997 d.528, effective December 15, 1997.  
See: 29 N.J.R. 4238(a), 29 N.J.R. 5302(a).

Inserted new (a)5; recodified existing (a)5 and (a)6 as (a)6 and (a)7; inserted new (b)3; and recodified existing (b)3 and (b)4 as (b)4 and (b)5.

Amended by R.2002 d.189, effective June 17, 2002.

See: 34 N.J.R. 1079(a), 34 N.J.R. 2028(b).

Substituted "Administrator" for "Superintendent" throughout; rewrote (e) and (g).

Amended by R.2007 d.216, effective July 16, 2007.

See: 39 N.J.R. 1228(a), 39 N.J.R. 2648(b).

In (a)6 and (b)3, inserted "and/or word processor"; and in (f)2, inserted "and legal materials".

#### 10A:6-2.5 Legal photocopying services; general provisions

(a) The Department of Corrections shall provide photocopies of legal material, as that term is defined in N.J.A.C. 10A:1-2.2 to inmates at the rate of \$.10 per page, in accordance with the guidelines and limitations set forth in this subchapter.

(b) Staff at each correctional facility shall establish written procedures by which inmates are permitted to have legal material photocopied.

(c) At a minimum, inmates may submit legal material to be photocopied to a staff member designated by the Supervisor of Education, or an inmate paralegal under the supervision of a designated staff member, during the hours established by the Administrator or designee. The original and photocopies of the legal material shall be returned to the inmate within four business days of submission unless return of the legal material is prevented by exceptional circumstances.

Amended by R.1992 d.60, effective February 3, 1992.

See: 23 N.J.R. 3268(a), 24 N.J.R. 467(a).

Revised text.

Amended by R.1996 d.163, effective March 18, 1996.

See: 28 N.J.R. 25(a), 28 N.J.R. 1543(a).

Imposed rate of \$.10 per page.

Amended by R.1997 d.528, effective December 15, 1997.

See: 29 N.J.R. 4238(a), 29 N.J.R. 5302(a).

Amended by R.2002 d.189, effective June 17, 2002.

See: 34 N.J.R. 1079(a), 34 N.J.R. 2028(b).

In (a), amended the N.J.A.C. reference.

Amended by R.2007 d.216, effective July 16, 2007.

See: 39 N.J.R. 1228(a), 39 N.J.R. 2648(b).

In (c), substituted "established" for "prescribed" and "Administrator or designee" for "correctional facility", inserted "business", and deleted the last sentence.

Amended by R.2011 d.246, effective October 3, 2011.

See: 43 N.J.R. 266(a), 43 N.J.R. 2617(a).

In (b), substituted "Staff at each" for "Each".

Petition for Rulemaking.

See: 46 N.J.R. 2378(b).

#### Case Notes

Prison regulations entitled inmate to free copies of his medical file. *DeMarco v. Ginn*, D.N.J.1990, 137 F.R.D. 214.

#### 10A:6-2.6 Legal photocopying services for indigent inmates

(a) The Department of Corrections shall provide photocopies of legal material at no charge to the indigent inmate as defined in N.J.A.C. 10A:1-2.2, in accordance with the guidelines and limitations in this subchapter.

(b) Only legal material that must be photocopied for a legitimate purpose, related to pending litigation challenging an indigent inmate's sentence, directly or collaterally, or challenging the conditions of confinement, such as civil rights actions and/or writs of habeas corpus, will be photocopied for indigent inmates at the expense of the Department of Corrections. Such legal materials may include supporting documents, such as relevant prior correspondence and copies of receipts, which are to be attached to court documents. The legal material submitted for photocopying may be reviewed by the Supervisor of Education or designee, in order to determine whether the legal material:

1. Falls within the definition of legal material provided in N.J.A.C. 10A:1-2.2; and

2. Must be photocopied for a legitimate purpose related to pending litigation; or

3. Should be duplicated by typing instead of photocopying, as provided by (d) below.

(c) The Supervisor of Education or designee, has complete discretion in determining whether the criteria enumerated in (b) above are fulfilled. Photocopies will be limited in quantity to the number required by the court plus one photocopy for the indigent inmate.

(d) If, in the discretion of the Supervisor of Education or designee, the legal material that the indigent inmate seeks to have photocopied should instead be duplicated by typing, the inmate shall be required to type the duplicates and the correctional facility shall not provide photocopies.

(e) Exceptional circumstances may dictate that material other than legal material would need to be photocopied. The photocopying of such material shall be handled at the discretion of the Supervisor of Education or designee.

New Rule, R.1996 d.163, effective March 18, 1996.

See: 28 N.J.R. 25(a), 28 N.J.R. 1543(a).

Amended by R.1997 d.528, effective December 15, 1997.

See: 29 N.J.R. 4238(a), 29 N.J.R. 5302(a).

In (b), added clause limiting purposes for which photocopying for inmates will be done at the expense of the Department.

Amended by R.2002 d.189, effective June 17, 2002.

See: 34 N.J.R. 1079(a), 34 N.J.R. 2028(b).

In (a), deleted "as defined in N.J.A.C. 10A:6-1.3" preceding "legal material"; in (b)1, amended the N.J.A.C. reference.

Amended by R.2007 d.216, effective July 16, 2007.

See: 39 N.J.R. 1228(a), 39 N.J.R. 2648(b).

Deleted "his or her" preceding "designee" throughout; in (b), substituted "that" for the first occurrence of "which" and "challenging" for "attacking", inserted commas following "collaterally" and "confinement" and deleted the comma following "Education"; in (c), deleted the comma following "Education"; in (d), substituted "that" for "which"; and in (e), substituted "shall be handled at" for "is left to".

#### **10A:6-2.7 Legal photocopying services for nonindigent inmates**

(a) The Department of Corrections shall provide photocopies of legal material to nonindigent inmates in accordance with the guidelines and limitations established in this subchapter.

(b) A nonindigent inmate shall be charged for the cost of all photocopying of legal material as established at N.J.A.C. 10A:6-2.5(a).

(c) If the nonindigent inmate has temporarily overdrawn his or her account or has a balance in the account, but the balance is not sufficient to pay the cost of all photocopying of legal material, the correctional facility shall:

1. Remove from the nonindigent inmate's account the amount available in accordance with (h)1 below;

2. Charge the nonindigent inmate's account the amount owed the correctional facility; and

3. Advise the nonindigent inmate via the inmate's monthly account statement of the amount owed.

(d) If a nonindigent inmate has insufficient funds to cover the cost of photocopying, the correctional facility shall copy only legal material that must be photocopied for a legitimate purpose related to pending litigation that directly or collaterally challenges an inmate's sentence, or that challenges the conditions of confinement, such as a civil rights action or a writ of habeas corpus. Such legal materials may include supporting documents, such as relevant prior correspondence and copies of receipts, which are to be attached to court documents. The legal material submitted for photocopying may be reviewed by the Supervisor of Education or designee, in order to determine whether the legal material falls within the definition of legal material provided in N.J.A.C. 10A:1-2.2, and:

1. Must be photocopied for a legitimate purpose related to pending litigation; or

2. Should be duplicated by typing instead of photocopying, as provided by (f) below.

(e) The Supervisor of Education or designee, has complete discretion in determining whether the criteria enumerated in (d) above are fulfilled. Photocopies will be limited in quantity to the number required by the court plus one photocopy for the inmate.

(f) If, in the discretion of the Supervisor of Education or designee, the legal material that the inmate seeks to have photocopied should instead be duplicated by typing, the inmate shall be required to type the duplicates and the correctional facility shall not provide photocopies.

(g) Exceptional circumstances may dictate that material other than legal material would need to be photocopied. The photocopying of such material shall be permitted at the discretion of the Supervisor of Education or designee.

(h) Until the correctional facility has been reimbursed in full for the photocopying of legal material, the Business Manager or designee shall:

1. Remove from the nonindigent inmate's account any amount of funds in excess of the one time monthly amount of \$15.00 after deductions to pay court ordered penalty assessments, restitutions, fines or other revenue obligations;

2. Note in the nonindigent inmate's account each removal of funds from the inmate's account;

3. Provide to the nonindigent inmate a monthly account statement to include each removal of funds for photocopying legal materials from the nonindigent inmate's account; and

4. Reimburse to the correctional facility the funds collected from inmates for the cost of photocopying legal material. Reimbursements shall be made in accordance