

CHAPTER 10

INTERJURISDICTIONAL AGREEMENTS AND STATUTES

Authority

N.J.S.A. 2A:159A-1 et seq., 2A:160-6 et seq., 30:1B-6, 30:1B-10, 30:7C-1 et seq. and 30:7D-1; U.S.C. Const. Art. 4 §2, Cl. 2; and 18 U.S.C. App. 2 §2.

Source and Effective Date

R.2008 d.149, effective May 14, 2008.
See: 40 N.J.R. 1056(a), 40 N.J.R. 3726(a).

Chapter Expiration Date

Chapter 10, Interjurisdictional Agreements and Statutes, expires on May 14, 2013.

Chapter Historical Note

Chapter 10, Inter-Jurisdictional Agreements and Statutes, was adopted as Subchapter 6, International Transfer, by R.1987 d.331, effective August 17, 1987. See: 19 N.J.R. 916(a), 19 N.J.R. 1650(c). Subchapter 3, Interstate Corrections Compact, was adopted as R.1991 d.586, effective December 16, 1991. See: 23 N.J.R. 2221(a), 23 N.J.R. 3756(b).

Pursuant to Executive Order No. 66(1978), Chapter 10, Inter-Jurisdictional Agreements and Statutes, was readopted as R.1992 d.310, effective July 9, 1992. See: 24 N.J.R. 1939(a), 24 N.J.R. 2731(b). Pursuant to Executive Order No. 66(1978), Chapter 10, Inter-Jurisdictional Agreements and Statutes, expired on July 9, 1997.

Chapter 10, Interjurisdictional Agreements and Statutes, was adopted as new rules by R.1998 d.135, effective March 16, 1998. See: 30 N.J.R. 5(a), 30 N.J.R. 1039(b).

Subchapter 4, Agreement on Detainers, was adopted as R.2002 d.66, effective March 4, 2002. See: 33 N.J.R. 3860(a), 34 N.J.R. 1030(a), 34 N.J.R. 1431(a).

Chapter 10, Interjurisdictional Agreements and Statutes, was re-adopted as R.2003 d.325, effective July 14, 2003. See: 35 N.J.R. 1639(a), 35 N.J.R. 3559(a).

Subchapter 7, Notification of Foreign Consuls when Foreign Nationals are Imprisoned, was adopted as New Rules by R.2005 d.306, effective September 6, 2005. See: 37 N.J.R. 1916(a), 37 N.J.R. 3374(b).

Chapter 10, Interjurisdictional Agreements and Statutes, was re-adopted as R.2008 d.149, effective May 14, 2008. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

10A:10-1.1 Purpose

(a) The purpose of this chapter is to:

1. Establish requirements for the interstate transfer of an inmate(s) for confinement in a correctional facility(ies);
2. Establish requirements for the interstate transfer of an inmate for the purpose of disposing of charges filed against the inmate in an out-of-State jurisdiction;
3. Establish requirements in accordance with the Uniform Criminal Extradition Act (see N.J.S.A. 2A:160-6 et seq.);
4. Establish requirements for the international transfer of an inmate(s) who is a citizen of a foreign country to the country of citizenship (see N.J.S.A. 30:7D-1); and
5. Establish provisions in accordance with the Vienna Convention on Consular Relations of 1963, Art. 36, 37 and 42 for the notification of a foreign consul when a foreign national is committed to the custody of the New Jersey Department of Corrections.

Amended by R.2002 d.66, effective March 4, 2002.

See: 33 N.J.R. 3860(a), 34 N.J.R. 1030(a).

In (a), added 3.

Amended by R.2003 d.325, effective August 4, 2003.

See: 35 N.J.R. 1639(a), 35 N.J.R. 3559(a).

Rewrote the section.

Amended by R.2005 d.306, effective September 6, 2005.

See: 37 N.J.R. 1916(a), 37 N.J.R. 3374(a).

In (a)3, deleted "and" following "et seq."; in (a)4, substituted "; and" for "." following "30:7D-1"; added (a)5.

10A:10-1.2 Scope

(a) Unless otherwise stated, N.J.A.C. 10A:10-1 and 3 shall be applicable to the New Jersey Department of Corrections and State sentenced inmates transferred or being considered for a transfer.

(b) Unless otherwise stated, N.J.A.C. 10A:10-1 and 3 shall be applicable to inmates from contracting states who are transferred outside their state of conviction to the New Jersey Department of Corrections.

(c) Unless otherwise stated, N.J.A.C. 10A:10-1 and 4 shall be applicable to an inmate against whom a detainer has been filed by an out-of-State jurisdiction.

(d) Unless otherwise stated, N.J.A.C. 10A:10-1 and 5 shall be applicable to inmates extradited from another state to the State of New Jersey and to inmates extradited from the State of New Jersey to another state.

(e) Unless otherwise stated, N.J.A.C. 10A:10-1 and 6 shall be applicable to inmates having foreign citizenship who are transferred to their countries of citizenship pursuant to the treaty that exists between the United States and the foreign country.

(f) Unless otherwise stated, N.J.A.C. 10A:10-1 and 7 shall be applicable to inmates who are not citizens or permanent resident aliens (green card holders) of the United States and who are foreign visitors or illegal aliens who have been committed to the custody of the New Jersey Department of Corrections.

Amended by R.2002 d.66, effective March 4, 2002.

See: 33 N.J.R. 3860(a), 34 N.J.R. 1030(a).

Inserted new (c) and recodified former (c) as (d).

Amended by R.2003 d.325, effective August 4, 2003.

See: 35 N.J.R. 1639(a), 35 N.J.R. 3559(a).

Inserted a new (d) and recodified former (d) as (e).

Amended by R.2005 d.306, effective September 6, 2005.

See: 37 N.J.R. 1916(a), 37 N.J.R. 3374(a).

Added (f).

10A:10-1.3 Definitions

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

"Foreign national" means any person who is not a citizen or permanent alien resident (green card holder) of the United States and who is a foreign visitor or illegal alien.

"Legal rights" means State or Federal rights.

"Receiving state" means a state receiving an inmate transferred from a sending state.

"Sending state" means a state which is transferring to another state an inmate committed within the sending state's jurisdiction.

New Rule, R.2003 d.325, effective August 4, 2003.

See: 35 N.J.R. 1639(a), 35 N.J.R. 3559(a).

Former N.J.A.C. 10A:10-1.3, Forms, recodified to N.J.A.C. 10A:10-1.4.

Amended by R.2005 d.306, effective September 6, 2005.

See: 37 N.J.R. 1916(a), 37 N.J.R. 3374(a).

Added definition "Foreign national".

Amended by R.2007 d.127, effective May 7, 2007.

See: 39 N.J.R. 155(a), 39 N.J.R. 1730(a).

Deleted definition "State".

10A:10-1.4 Forms

(a) The following forms related to the Interstate Corrections Compact are available by accessing the Department of Corrections computer network (DOCNet). Interested individuals who do not have access to DOCNet may obtain copies of forms by contacting the Administrative Rules Unit, New Jersey Department of Corrections: