

2. The suggested rule has general Departmental application to all similarly situated persons or is intended to have wide, uniform coverage that encompasses a large segment of the regulated population (rather than to a particular circumstance related to a specific occurrence or incident, or to a personal situation, case or litigation proceeding);

3. The suggested rule has continuing effect and applies to future cases only;

4. The suggested rule implements or interprets a law or a general Departmental policy, or describes the function, procedure or practice requirements of a law or a general Departmental policy (rather than applying to an internal management procedure);

5. The suggested rule falls within the purview of the Department of Corrections and does not relate to an intra-agency or inter-agency statement or issue; or

6. The suggested rule falls outside the scope of an inmate's issue, concern, complaint or problem, which is related to a condition of confinement in or an internal management procedure of a correctional facility or unit that must be processed pursuant to N.J.A.C. 10A:1-4, Inmate Remedy System.

(e) When the Commissioner or designee deems the document submitted to be a petition for rulemaking that substantially complies with the provisions of this section, the Department of Corrections shall file for publication with the Office of Administrative Law a notice of receipt of petition for rulemaking in the New Jersey Register pursuant to N.J.A.C. 1:30-4.1(c). A document submitted as a petition for rulemaking that does not substantially comply with the provisions of this section shall not be deemed a petition that requires further agency action.

(f) No later than 60 calendar days following receipt of an accepted petition, the Department of Corrections shall mail to the petitioner and file for publication in the New Jersey Register, a notice of action on the petition that shall contain the information described by (b) above. The notice of action shall include either:

1. A statement denying the petition and including a written statement of the reason(s);

2. A notice granting the petition and including a statement that the Department shall initiate a rulemaking proceeding within 90 calendar days of granting the petition; or

3. A statement that the matter is being referred for further deliberations, the nature of which shall be specified and which shall be concluded within 90 calendar days of referring the matter for further deliberations.

(g) Upon conclusion of further deliberations, as established in (f)3 above, the Department shall mail to the petitioner and file for publication in the New Jersey Register another notice of action on the petition, which shall either deny the petition

and include a statement of the reason(s), or grant the petition and include a statement that the Department shall initiate rulemaking proceedings within 90 calendar days of granting the petition.

Amended by R.1992 d.269, effective July 6, 1992.
See: 24 N.J.R. 1465(a), 24 N.J.R. 2451(c).

Revised (c)-(d).
Administrative Correction in (d) and (e).

See: 24 N.J.R. 4390(a).

Administrative Change.

See: 25 N.J.R. 4105(a).

Amended by R.2001 d.220, effective July 2, 2001.

See: 33 N.J.R. 1288(a), 33 N.J.R. 2290(a).

Rewrote (c); in (d), inserted “, or designee,” preceding “accepts the petition”, substituted references to (a), (b) and (c) for references to (a) and (b), and amended the N.J.A.C. reference; rewrote (e); added (f).

Administrative change.

See: 36 N.J.R. 1779(a).

Amended by R.2008 d.190, effective July 21, 2008.

See: 40 N.J.R. 1736(b), 40 N.J.R. 4323(a).

In the introductory paragraph of (a), substituted “Pursuant to N.J.S.A. 52:14B-4(f), an” for “An”, deleted “apply to” following “person may” and inserted “of a new rule, or” and “existing”; in (b)2, substituted “petition” for “proposal”; in (b)3, inserted “that may include the text of the suggested new rule or amended rule”; added new (d); recodified former (d) through (f) as (e) through (g); rewrote (e); in the introductory paragraph of (f), inserted “calendar” and a comma following “Register”, and substituted “that” for “which”; in (f)2 and (f)3, inserted “calendar”; and in (g), substituted “(f)3” for “(e)3” and “reason(s)” for “reasons(s)”, inserted a comma following the first occurrence of “petition” and inserted “calendar”.

Amended by R.2011 d.022, effective January 18, 2011.

See: 42 N.J.R. 2194(a), 43 N.J.R. 188(a).

In (d)2, inserted “to all similarly situated persons”; in (d)3, substituted “to future cases” for “prospectively”; in (d)5, substituted “intra-agency” for “intraagency”, “inter-agency” for “interagency”, and “; or” for a period at the end; and added (d)6.

10A:1-1.3 Public and inmate information requests

(a) Members of the public, other than inmates, may obtain general information from the Department of Corrections by writing to the Department of Corrections, Office of Public Information at PO Box 863, Trenton, New Jersey 08625-0863, by accessing the official Department of Corrections website at www.state.nj.us/corrections, or by making a telephone call to (609) 292-9340.

(b) Inmates requesting information or services may contact the Corrections Ombudsperson by mail at PO Box 855, Trenton, New Jersey 08625-0855 or by making a toll-free call within a correctional facility, using a pin number that is assigned by the Department of Corrections. This toll-free number is (555) 555-5555. A toll call can also be made to (609) 292-8020.

(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.

(d) Pursuant to the Identity Theft Prevention Act at N.J.S.A. 56:11-44 et seq. and related definitions at N.J.S.A. 56:8-161; and in order to prevent identity theft, Departmental staff shall be responsible for safeguarding “personal information” as this term is defined in N.J.A.C. 10A:1-2.2 and for complying with related rules at N.J.A.C. 10A:22-1.5.

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," 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).

Amended by R.2007 d.64, effective February 20, 2007.

See: 38 N.J.R. 4622(b), 39 N.J.R. 652(b).

Added (d).

Amended by R.2008 d.190, effective July 21, 2008.

See: 40 N.J.R. 1736(b), 40 N.J.R. 4323(a).

Rewrote (b).

Administrative change.

See: 43 N.J.R. 1344(a).

10A:1-1.4 Reimbursement for costs of copying

(a) Pursuant to N.J.S.A. 47:1A-5, correctional facilities and other administrative units within the Department of Corrections may charge the following fees for copying records deemed to be public:

\$0.05 per letter size page or smaller, and \$0.07 per legal size page or larger.

(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 N.J.S.A. 47:1A-5, 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).

Administrative change.

See: 37 N.J.R. 80(b).

Administrative change.

See: 42 N.J.R. 2806(b).

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.

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; 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