

CHAPTER 6
INMATE ACCESS TO COURTS

Authority

N.J.S.A. 30:1B-6, 30:1B-10, 30:4-16 et seq. and 30:4-140 et seq.;
and 28 U.S.C. §1915.

Source and Effective Date

R.2007 d.216, effective June 18, 2007.
See: 39 N.J.R. 1228(a), 39 N.J.R. 2648(b).

Chapter Expiration Date

Chapter 6, Inmate Access to Courts, expires on June 18, 2012.

Chapter Historical Note

Chapter 6, Inmate Access to Courts, was adopted as R.1987 d.444, effective November 2, 1987. See: 19 N.J.R. 914(a), 19 N.J.R. 2057(a).

Pursuant to Executive Order No. 66(1978), Chapter 6, Inmate Access to Courts, was readopted as R.1992 d.470, effective October 27, 1992. See: 24 N.J.R. 2799(a), 24 N.J.R. 4390(b).

Pursuant to Executive Order No. 66(1978), Chapter 6, Inmate Access to Courts, expired on October 27, 1997.

Chapter 6, Inmate Access to Courts, was adopted as R.1997 d.528, effective December 15, 1997. See: 29 N.J.R. 4238(a), 29 N.J.R. 5302(a).

Chapter 6, Inmate Access to Courts, was readopted as R.2002 d.189, effective May 24, 2002. As a part of R.2002 d.189, Subchapter 4, Inmate Lawsuits, was adopted as new rules, effective June 17, 2002. See: 34 N.J.R. 1079(a), 34 N.J.R. 2028(b).

Chapter 6, Inmate Access to Courts, was readopted as R.2007 d.216, effective June 18, 2007. As a part of R.2007 d.216, Subchapter 1, Introduction, was renamed General Provisions, effective July 16, 2007. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

10A:6-1.1 Purpose

(a) The purpose of this chapter is to establish:

1. Policies under which inmates shall be provided with access to both State and Federal courts through the use of inmate law libraries and trained inmate paralegals;
2. Procedures whereby the records of correctional facilities can be altered to reflect an inmate's new legal name; and
3. Procedures regarding inmate lawsuits.

Amended by R.2002 d.189, effective June 17, 2002.
See: 34 N.J.R. 1079(a), 34 N.J.R. 2028(b).
Added (a)3.

10A:6-1.2 Scope

Unless otherwise stated, this chapter shall be applicable to State correctional facilities under the jurisdiction of the Department of Corrections.

Repeal and New Rule R.1996 d.163, effective March 18, 1996.
See: 28 N.J.R. 25(a), 28 N.J.R. 1543(a).
Former section, "Scope", repealed.
Amended by R.1997 d.528, effective December 15, 1997.
See: 29 N.J.R. 4238(a), 29 N.J.R. 5302(a).

10A:6-1.3 Definitions

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

"Inmate law library" means an area within a correctional facility where legal reference materials are maintained and available for use by inmates in accordance with rules of the Department and internal management procedures of the correctional facility.

"Inmate paralegal" means an inmate who has been approved by the Institutional Classification Committee (I.C.C.) to render legal assistance to other inmates.

"Legal Services Coordinator" means a Department of Corrections Central Office staff person who coordinates the provision of inmate legal services with the correctional facility

Administrator by ensuring correctional facilities maintain adequate legal materials in inmate law libraries and by maintaining a program for the purpose of training inmate paralegals.

“Notary service” means service provided by a notary public who is authorized by law and currently commissioned by the State Treasurer to certify or attest documents, take affidavits, administer oaths, and perform other services ordinarily performed by a notary public.

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

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

Revised definitions “legal material” and “notary service”.

Amended by R.1992 d.470, effective December 7, 1992.

See: 24 N.J.R. 2799(a), 24 N.J.R. 4390(b).

Revised definition “Legal Services Coordinator.”

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

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

In “Legal material”, deleted the second sentence, deleted paragraph “2. Pleadings”, and recodified paragraphs 3. through 11.as 2. through 10. Amended by R.1998 d.364, effective July 20, 1998.

See: 30 N.J.R. 1367(b), 30 N.J.R. 2618(b).

Deleted “Legal material” definition.

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

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

Rewrote definitions “Inmate law library” and “Legal Services Coordinator”; and in definition “Notary service”, inserted “who is” and “and currently commissioned by the State Treasurer”.

SUBCHAPTER 2. INMATE LEGAL SERVICES

10A:6-2.1 Inmate access to courts

Inmates have a constitutional right of access to the courts. Correctional facility authorities shall assist inmates in the preparation and filing of meaningful legal papers by providing inmates with adequate law libraries or adequate assistance from persons trained in the law.

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

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

Substituted “Correctional facility” for “Prison”.

10A:6-2.2 Inmate legal services

(a) Inmate legal services as established in this subchapter, which permit access to the courts, shall include the following:

1. Establishment and use of an inmate law library or access to legal reference materials;
2. Photocopying services;
3. Opportunity to make legal telephone calls;
4. Provision of supplies, such as pens and paper, when needed;
5. Use of typewriters to the extent that they are available and/or operable;
6. Notary service;
7. Assistance of inmate paralegals; and

8. Payment of postage for indigent inmates.

Petition for Rulemaking.

See: 26 N.J.R. 505(a), 26 N.J.R. 861(c), 26 N.J.R. 1400(a).

Amended by R.1994 d.410, effective August 1, 1994.

See: 26 N.J.R. 2188(a), 26 N.J.R. 3178(a).

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

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

Rewrote (a)2.

10A:6-2.3 Availability of legal services

- (a) Inmate legal services shall be available to all inmates.

(b) Based on the availability of space, supervisory staff and the security needs of the correctional facility, the Administrator or designee shall determine those inmates who may have direct personal access to legal reference materials and related services.

(c) Inmates who, in the discretion of the Administrator or designee, may not have direct personal access to legal reference materials and related services shall receive legal reference materials and related services from assigned inmate paralegals.

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.2007 d.216, effective July 16, 2007.

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

In (a), substituted “shall be” for “are”; and in (b) and (c), substituted “Administrator” for “Superintendent”.

10A:6-2.4 Inmate law library

(a) Each correctional facility Administrator or designee shall be responsible for establishing and maintaining an inmate law library and for developing internal management procedures for library use and supervision. The procedures shall specify:

1. Law library hours;
2. Number of inmates who may use the library at one time;
3. Persons responsible for the supervision of inmates;
4. Limitation(s) on removal of legal reference materials;
5. Provision of supplies such as pens and paper;
6. Typewriter and/or word processor use; and
7. Any additional rules deemed necessary by the Administrator or designee.

(b) Consideration shall be given to the following factors regarding the use of the inmate law library:

1. Space and staff limitations;
2. Availability of supplies;
3. The availability and operability of typewriters and/or word processors;