

SUBCHAPTER 2. INMATE ACCOUNTS

10A:2-2.1 Responsibility for inmate accounts

(a) The Business Manager of the correctional facility shall be responsible for maintaining inmate accounts and record-keeping.

(b) The Business Manager shall be responsible for providing an inmate with a receipt for each financial transaction processed.

10A:2-2.2 Deposits and deductions

(a) Inmate accounts of a correctional facility may be maintained in a group depository in an insured commercial bank or savings institution so long as the institution and account are authorized by the Department of the Treasury and approved by the Department of Corrections, Bureau of Accounting and Revenue.

(b) Interest accruing on inmate accounts shall be transferred on a periodic basis, at least once annually, to the Inmate Welfare Fund.

(c) Accurate records of each inmate account and spendable balance shall be maintained.

(d) Except where prohibited by State or Federal statute, deductions of funds either earned or unearned from inmate accounts shall be made by the Business Manager as permitted by:

1. N.J.S.A. 30:4-91.4 Earnings of inmate;
2. N.J.S.A. 2C:43-3.1 Additional assessments; collection and disposition by Victims of Crime Compensation Board;
3. N.J.S.A. 2C:43-3.2 Assessments; amounts collected deposited in Safe Neighborhoods Services Fund;
4. N.J.S.A. 2C:43-3.3 Additional fines deposited in law enforcement officers training and equipment fund;
5. N.J.S.A. 2C:46-1 Time and method of payment; disposition of funds;
6. N.J.S.A. 2C:46-4 Fines, assessments and restitution; collection; disposition;
7. N.J.S.A. 30:4-92 Inmates of institutions to be employed in productive capacity; compensation;
8. N.J.S.A. 30:7E-1 et seq., An Act permitting the State to seek reimbursements for certain health care expenses incurred by State correctional facilities;
9. N.J.S.A. 30:4-15.1 Correctional facility commissaries; Victims of Crime Compensation Board surcharge;
10. N.J.S.A. 30:4-16.2 Recovery of costs and fees for frivolous lawsuits filed by inmates of correctional institutions;

11. N.J.S.A. 30:4-16.4 Deposit of money judgement in inmate's account at correctional institution; use of funds;

12. N.J.S.A. 2C:44-6 Procedure on sentence; presentence investigation and report;

13. N.J.S.A. 53:1-20.29 Certain offenders liable for costs of DNA testing;

14. The Prison Litigation Reform Act of 1995, 18 U.S.C. § 3626; and

15. Any other Federal or State statute.

(e) Deductions of funds identified in this section shall be made to pay:

1. Court ordered payments, penalty assessments, restitution, and fines;
2. Other revenue obligations or fees;
3. Fees for medical and/or dental treatment; and
4. Fees for prescription or nonprescription drugs or medicine.

(f) Pursuant to N.J.S.A. 2C:46-1, deductions from inmate accounts shall be made by the Business Manager to pay a transaction fee not to exceed \$1.00 on each occasion a restitution payment or installment payment is made by an inmate who committed an offense on or after February 1, 1993. Deductions shall be made for:

1. The Victims of Crime Compensation Board (VCCB) penalty (see N.J.S.A. 2C:43-3.1);
2. The forensic laboratory fee (see N.J.S.A. 2C:35-20);
3. The Drug Enforcement and Demand Reduction (DEDR) penalty (see N.J.S.A. 2C:35-15);
4. The Drug Abuse Education Fund penalty (see N.J.S.A. 2C:43-3.5);
5. The Sexual Assault Nurse Examiner Program Fund penalty (see N.J.S.A. 2C:43-3.6); and
6. Any other fine, penalty or restitution for which a transaction fee is authorized by law.

(g) The transaction fee schedule as established in (f) above shall be as follows:

1. \$1.00 for payments in the amount of \$10.00 or more;
2. \$0.50 for payments between \$3.01 and \$9.99; and
3. No transaction fee if the payment is \$3.00 or less.

(h) Only nonindigent inmate funds in excess of the one time monthly amount of \$15.00 can be deducted by the Business Manager in accordance with (d) above.

(i) In accordance with N.J.S.A. 30:4-16.4, monies derived from a civil action judgment received by an inmate shall be deposited in the account of the inmate at the correctional

facility or regional correctional facility to that the inmate is assigned. Such monies shall be used to pay court imposed fines, restitution or penalties which the inmate has not met; and may be used to satisfy any claims for reimbursement for medical treatment sought by the State or a county and/or to satisfy any other financial obligations to the Department of Corrections (see N.J.A.C. 10A:6-4).

(j) Pursuant to N.J.S.A. 30:4-15.1, the Business Manager shall deduct from the account of an inmate a 10 percent surcharge on the sale price of every commissary item purchased by the inmate. Pursuant to Departmental internal management procedures, these collected funds shall be forwarded to the State Treasurer for deposit into the Victims of Crime Compensation Board (VCCB) account.

Amended by R.2002 d.387, effective December 2, 2002.
See: 34 N.J.R. 2928(a), 34 N.J.R. 4204(b).

In (d), substituted "Except where prohibited by State or Federal Statute, deductions" for "Deductions" in the introductory paragraph; rewrote (e) and designated the last sentence as (f); recodified former (f) through (h) as (g) through (i).

Amended by R.2003 d.207, effective May 19, 2003.

See: 35 N.J.R. 1038(a), 35 N.J.R. 2178(a).

Rewrote (d); in (e), added a new introductory paragraph and recodified the former introductory paragraph in (e) as new (f); recodified former (f) through (i) as (h) through (j).

Amended by R.2006 d.113, effective March 20, 2006.

See: 37 N.J.R. 4505(b), 38 N.J.R. 1456(c).

Rewrote (a); in (f)4, changed statutory cite from N.J.S.A. 2:35-3.5 to N.J.S.A. 2C:43-3.5; made grammatical corrections in (c), (i) and (j); also in (i), added "and/or to satisfy any other financial obligations to the Department of Corrections (see N.J.A.C 10A:6-4)".

Petition for Rulemaking.

See: 39 N.J.R. 4453(b).

10A:2-2.3 Individual savings accounts

(a) Inmates may establish individual savings accounts in commercial banks or savings institutions only when all financial obligations as permitted by Federal or State statutes and financial obligations to the Department of Corrections are satisfied and upon approval of the Administrator. These accounts may take the form of:

1. Passbook savings;
2. Savings Bonds; or
3. Certificates of deposit.

(b) Subject to approval by the Administrator, inmates may be permitted to retain passbooks, account statements and deposit slips except when inmates have outstanding debts and have already established individual savings accounts. In these instances, the passbooks, account statements and deposit slips shall be retained by the Administrator or designee.

(c) Bonds and certificates of deposit must be held for safekeeping by the Business Manager.

(d) Inmates shall not be permitted to possess withdrawal slips.

(e) Withdrawals may be permitted upon written approval of the Administrator.

(f) All deposits and withdrawals shall be processed by the Business Manager or designee.

10A:2-2.4 Written procedures

Each correctional facility shall develop written internal management procedures consistent with this subchapter.

SUBCHAPTER 3. EXPENDITURE OF INMATE WELFARE FUNDS

10A:2-3.1 Sources of income for inmate welfare funds

(a) Money for inmate welfare funds shall be derived from the following sources:

1. Profits from sales at commissaries;
2. Interest on inmate welfare fund savings;
3. Gifts from individuals, corporations and charitable foundations; and
4. Income from inmate trust fund investments.

10A:2-3.2 Accountability and expenditure

(a) The Business Manager of the correctional facility shall be responsible for maintaining inmate welfare account funds and recordkeeping.

(b) Pursuant to N.J.S.A. 30:4-1.1k, the institutional Boards of Trustees shall be responsible to control and authorize all expenditures of inmate welfare funds.

(c) Inmate welfare funds shall be spent on amenities only for the use, benefit and general welfare of the inmate population as a whole. Such amenities include, but are not limited to: recreation and sports equipment; television services; awards for academic, vocational and sporting achievements; library books, movies, magazines, and other subscriptions; annual licensing fees for a film blanket license visit, recreation, holiday and inmate incentive program decorations and food; stipends for referees and guest speakers; and equipment to enhance the law library that is not otherwise required for legal access.

(d) Inmate welfare funds shall not be used for items the Department is required to provide, the payment of employee salaries, or the purchase of any item or service, which is not intended for use by the inmate population, such as, but not limited to, security equipment or automobiles.

(e) Inquiries and issues regarding the use of inmate welfare funds shall be directed to the Assistant Commissioner, Division of Operations who may forward same to the Office of the Attorney General when deemed necessary.