

PUBLIC NOTICE

CORRECTIONS

THE COMMISSIONER

Notice of Action of Petition for Rulemaking

Legal Photocopying Services; General Provisions

N.J.A.C. 10A:6-2.5(a)

Petitioner: Kaseem Ali-X.

Take notice that on October 24, 2014, the New Jersey Department of Corrections received a petition for rulemaking from the above petitioner requesting that the Department adopt an amendment to the rule governing photocopying costs to inmates. Specifically, petitioner requests that N.J.A.C. 10A:6-2.5(a), Legal photocopying services, be amended to change the photocopying costs for legal material to inmates from 10 cents per page to five cents per page.

The petitioner states that “[c]urrently, prisoners confined to N.J.D.O.C. are unfairly being over-charged twice the common cost” for photocopying services. The petitioner believes that the amendment “will be in accordance with the cost for photocopies in the free society and other state agencies, including the courts and New Jersey Open Public Records Act.”

The Commissioner hereby certifies that the petition has been duly considered, and has determined that the Department shall deny the petition for formal rulemaking. The fees set forth in N.J.A.C. 10A:6-2.5(a) are for photocopying legal documents, which should not be confused with photocopying open public government records as set forth in N.J.A.C. 10A:1-1.4(a). Legal documents are defined in N.J.A.C. 10A:1-2.2 and the fees

for copies will continue to be charged at the rate set forth in N.J.A.C. 10A:6-2.5(a). The 10 cents per page currently charged for legal copies in accordance with N.J.A.C. 10A:6-2.5(a) is reasonable and appropriate. Moreover, these fees set forth in N.J.A.C. 10A:6-2(a) are less than the fees set by the United States Department of Justice, Federal Bureau of Prisons for duplicating legal documents of 15 cents per page. It should be noted that no indigent inmate is denied legal copies due to the inability to pay (see N.J.A.C. 10A:6-2.6).

In accordance with N.J.A.C. 1:30-4.2, the Department shall subsequently mail to the petitioner, and file with the Office of Administrative Law, a notice of action on the petition.