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> Title 10A - CORRECTIONS
> N.J. Admin. Code Tit. 10A, ch. 4 - INMATE DISCIPLINE
> Subchapter 4 - INMATE PROHIBITED ACTS
> **N.J. Admin. Code § 10A:4-4.1 - Prohibited acts**

N.J. Admin. Code § 10A:4-4.1 - Prohibited acts

State Regulations Compare

(a) An inmate who commits one or more of the following numbered prohibited acts shall be subject to disciplinary action and a sanction that is imposed by a Disciplinary Hearing Officer or Adjustment Committee with the exception of those violations disposed of by way of an on-the-spot correction. Prohibited acts preceded by an asterisk (*) are considered the most serious and result in the most severe sanctions (see N.J.A.C. 10A:4-5, Schedule of Sanctions for Prohibited Acts). Prohibited acts are further subclassified into six categories of severity (Category A through F) with Category A being the most severe and Category E the least severe and Category F containing an opportunity for inmates found guilty of specified infractions to participate in a substance-use disorder treatment program known as the Drug Diversion Program, if eligible. These categories correspond to the categories of sanctions at N.J.A.C. 10A:4-5 and the categories in the severity of offense scale at N.J.A.C. [10A:9-2.13](#).

1. Category A: A finding of guilt for any offense in Category A may result in a sanction of five to 15 days in an Adjustment Unit and up to 365 days in a Restorative Housing Unit (R.H.U.) per incident and one or more of the sanctions

listed at N.J.A.C. [10A:4-5.1\(e\)](#), unless a medical or mental health professional determines that the inmate is not appropriate for R.H.U. placement. Where a medical or mental health professional has made such a determination, the inmate may receive one or more of the less restrictive sanctions listed at N.J.A.C. [10A:4-5.1\(e\)](#). The Disciplinary Hearing Officer and/or the Administrator shall consider a less restrictive sanction based on the nature of the offense and the inmate infraction history.

i. *.001 killing

ii. *.002 assaulting any person

iii. *.003 assaulting any person with a weapon

iv. *.006 extortion, blackmail, protection: demanding or receiving favors, money, or anything of value in return for protection against others, to avoid bodily harm, or under threat of informing

v. *.007 hostage taking

vi. *.008 abuse/cruelty to animals

(Agency Note: The text of existing N.J.A.C. [10A:4-4.1\(a\)1](#) v was inadvertently recodified as both (a)1vii and (a)1viii. Upon adoption, OAL is deleting the first rendition of subparagraph (a) 1vii and reserving the paragraph to maintain the remaining codification.)

vii. *.009 misuse, possession, distribution, sale, or intent to distribute or sell, an electronic communication device, equipment, or peripheral that is capable of transmitting, receiving, or storing data and/or electronically transmitting a message, image, or data that is not authorized for use or retention (see "electronic communication device" definition at N.J.A.C. [10A:1-2.2](#))

viii. *.009 misuse, possession, distribution, sale, or intent to distribute or sell, an electronic communication device, equipment, or peripheral that is capable of transmitting, receiving, or storing data and/or electronically transmitting a message, image, or data that is not authorized for use or retention while assigned to a secure correctional facility (see "electronic communication device" definition at N.J.A.C. [10A:1-2.2](#))

ix. *.010 engaging, participating, and/or recruiting others to participate in an activity(ies) related to a security threat group

x. *.012 throwing bodily fluid at any person or otherwise

xi. *.050 sexual assault or abuse

- xii. *.101 escape from a secure facility
- xiii. * 102 attempting or planning escape
- xiv. *.151 arson
- xv. *.155 adulteration or tampering of any food or drink
- xvi. *.201 possession or introduction of an explosive, incendiary device, or any ammunition
- xvii. *.202 possession or introduction of a weapon, such as, but not limited to, a sharpened instrument, knife, or unauthorized tool
- xviii. *.215 possession with intent to distribute or sell prohibited substances such as drugs, intoxicants, or related paraphernalia
- xix. *.216 distribution or sale of prohibited substances, such as drugs, intoxicants, or related paraphernalia
- xx. *.251 rioting or encouraging others to riot
- xxi. *.253 engaging in or encouraging a group demonstration or work stoppage
- xxii. *.360 unlawfully obtaining or seeking to obtain personal information pertaining to an inmate's victim or the victim's family or pertaining to DOC staff or other law enforcement staff or the family of said staff
- xxiii. *.704 perpetrating frauds, deceptions, confidence games, riots, or escape plots
- xxiv. *.803 attempting to commit, aiding another person to commit or making plans to commit any Category A offense

2. Category B: A finding of guilt for any offense in Category B may result in a sanction of up to 120 days in a Restorative Housing Unit (R.H.U.) per incident and one or more of the sanctions listed at N.J.A.C. 10A:4-5.1(g), unless a medical or mental health professional determines that the inmate is not appropriate for R.H.U. placement. Where a medical or mental health professional has made such a determination, the inmate may receive one or more of the less restrictive sanctions listed at N.J.A.C. 10A:4-5.1(f). The Disciplinary Hearing Officer and/or the Administrator shall consider a less restrictive sanction based on the nature of the offense and the inmate infraction history.

- i. *.004 fighting with another person
- ii. *.005 threatening another with bodily harm or with any offense against his

or her person or his or her property

iii. *.011 possession or exhibition of anything related to a security threat group

iv. *.014 unauthorized physical contact with any person with an article, item, or material such as anything readily capable of inflicting bodily injury

v. *.051 engaging in sexual acts with others

vi. *.053 indecent exposure

vii. *.054 refusal to register as a sex offender or any refusal to register as required by law

viii. *.055 making sexual threats to another

ix. *.056 sexual contact, involving the intentional touching, directly or indirectly, through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of another person, excluding contact incidental to a physical altercation.

x. *.150 tampering with fire alarms, fire equipment, or fire suppressant equipment

xi. *.153 stealing (theft)

xii. *.154 tampering with or blocking any locking device

xiii. *.207 possession of money or currency (in excess of \$ 50.00), unless specifically authorized in a secure facility

xiv. *.211 possessing any staff member's clothing and/or equipment

xv. *.214 possession of unauthorized keys or other security equipment

xvi. *.254 refusing to work, or to accept a program or housing unit assignment

xvii. *.256 refusing to obey an order of any staff member

xxviii. *.260 refusing to submit to mandatory medical or other testing such as, but not limited to, mandatory testing required by law or court order

xix. *.306 conduct which disrupts or interferes with the security or orderly running of the correctional facility

xx. *.352 counterfeiting, forging or unauthorized reproduction or use of any classification document, court document, psychiatric, psychological or medical report, money, or any other official document

- xxi. *.502 interfering with the taking of count
- xxii. *.708 refusal to submit to a search
- xxiii. *.803 attempting to commit, aiding another person to commit or making plans to commit any Category B offense
- xxiv. *.803 attempting to commit, aiding another person to commit or making plans to commit any Category A and/or B offense
- xxv. *.900 failure to complete a Drug Diversion Program

3. Category C: A finding of guilt for any offense in Category C may result in a sanction of one or more of the sanctions listed at N.J.A.C. [10A:4-5.1\(j\)](#).

- i. .009A misuse, possession, distribution, sale, or intent to distribute or sell, an electronic communication device, equipment, or peripheral that is capable of transmitting, receiving or storing data and/or electronically transmitting a message, image, or data that is not authorized for use or detention by an inmate who is assigned to a Residential Community Release Program (see "electronic communication device" definition at N.J.A.C. [10A:1-2.2](#)).
- ii. .013 unauthorized physical contact with any person, such as, but not limited to, physical contact not initiated by a staff member, volunteer, or visitor
- iii. . 052 making sexual proposals to another
- iv. .057 Sexual harassment involves repeated and/or unwelcomed sexual advances, request for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature
- v. .101A Escape from a residential community release program or furlough
- vi. .103 wearing a disguise or mask
- vii. . 204A use by an inmate who is assigned to a Residential Community Program of any prohibited substances such as drugs, intoxicants, or related paraphernalia not prescribed for the inmate by the medical or dental staff
- viii. . 212 possessing unauthorized clothing
- ix. . 351 counterfeiting, forging, or unauthorized reproduction or use of any document not enumerated in prohibited act *.352
- x. .401 participating in an unauthorized meeting or gathering
- xi. .402 being in an unauthorized area

- xii. . 501 failing to stand count
 - xiii. . 552A being intoxicated while the inmate is assigned to a Residential Community Program
 - xiv. . 601 gambling
 - xv. .602 preparing or conducting a gambling pool
 - xvi. . 603 possession of gambling paraphernalia
 - xvii. . 702 unauthorized contacts with the public
 - xviii. . 705 commencing or operating a business or group for profit or commencing or operating a nonprofit enterprise without the approval of the Administrator
 - xix. . 706 soliciting funds and/or noncash contributions from donors within or without the correctional facility except where permitted by the Administrator
 - xx. .752 giving money or anything of value to, or accepting money or anything of value from, another inmate
 - xxi. . 753 purchasing anything on credit
 - xxii. . 754 giving money or anything of value to, or accepting money
 - xxiii. . 802 attempting to commit, aiding another person to commit or making plans to commit any Category C, D, and or E offense
4. Category D: A finding of guilt for any offense in Category D may result in a sanction of one or more of the sanctions listed at N.J.A.C. 10A:4-5.1(l).
- i. .152 destroying, altering, or damaging government property, or the property of another person
 - ii. .206 possession of money or currency (\$ 50.00 or less) unless specifically authorized
 - iii. . 210 possession of anything not authorized for retention or receipt by an inmate or not issued to him or her through regular correctional facility channels
 - iv. .305 lying, providing a false statement to a staff member
 - v . 553 smoking where prohibited
 - vi. .554 possession of tobacco products or matches where not permitted
 - vii. . 653 tattooing

- viii. . 709 failure to comply with a written rule or regulation of the correctional facility
 - ix. .802 attempting to commit, aiding another person to commit or making plans to commit any Category C, D, and or E offense
5. Category E: A finding of guilt for any offense in Category E may result in a sanction of one or more of the sanctions listed at N.J.A.C. 10A:4-51(n).
- i. .207A possession of money or currency (in excess of \$ 50.00), unless specifically authorized, in a residential community release program (Agency Note: The notice of proposal inadvertently recodified N.J.A.C. 10A:4-4.1(a)5 iii as (a) 5iv with amendments. Contrary to the recodification, the proposed amendments were intended to occur at existing N.J.A.C. 10A:4-4.1(a)5 viii, which was properly recodified as N.J.A.C. 10A:4-4.1(a)5 ix. The text improperly shown in the notice of proposal as subparagraph (a) 5iii should have been shown as recodified subparagraph (a)5ix and, upon adoption, will be properly reflected. There is no proposed or adopted change at subparagraph (a)5iii, recodified as (a)5iv.)
 - ii. .208 possession of property belonging to another person
 - iii. . 209 loaning of property or anything of value
 - iv. .213 mutilating or altering clothing issued by the government
 - v. .257 violating a condition of any Residential Community Program and or Residential Community Release Program
 - vi. .301 unexcused absence from work or any assignment; being late for work
 - vii. . 302 malingering, feigning an illness
 - viii. . 303 failing to perform work as instructed by a staff member
 - ix. .304 use of abusive or obscene language to a staff member
 - x. .451 failure to follow safety or sanitation regulations
 - xi. .452 using any equipment or machinery which is not specifically authorized
 - xii. . 453 using any equipment or machinery contrary to instructions or posted safety standards
 - xiii. . 651 being unsanitary or untidy; failing to keep one's person and one's quarters in accordance with posted standards

xiv. . 701 unauthorized use of mail or telephone

xv. .703 correspondence or conduct with a visitor in violation of regulations

xvi. . 707 failure to keep a scheduled appointment with medical, dental or other professional staff

xvii. . 802 attempting to commit, aiding another person to commit or making plans to commit any Category C, D, and or E offense

6. Category F: A finding of guilt for any offense in Category F may result in placement in a treatment program if recommended by appropriate medical staff and/or imposition of one or more of the sanctions for infractions of Category B prohibited acts. If the Disciplinary Hearing Officer offers a substance abuse treatment program/Drug Diversion Program, the Disciplinary Hearing Officer shall also impose sanctions consistent with Category B, which may be suspended for 60 days if the inmate agrees to participate in the prescribed Drug Diversion Program, except for loss of contact visits, which may not be suspended by the Disciplinary Hearing Officer. If the inmate fails to adhere to the requirements of the Drug Diversion Program during the 60-day suspended sanction period, the Disciplinary Hearing Officer shall impose the suspended sanctions. If the prescribed Drug Diversion Program is not completed the inmate shall be subject to the Category B sanction(s) without consideration for time served in the Drug Diversion Program. The Disciplinary Hearing Officer and/or the Administrator shall consider a less restrictive sanction based on the nature of the offense and the inmate infraction history. The Drug Diversion Program is offered to inmates found guilty of Category F infractions on a one-time-only basis. An inmate who repeats offenses in Category F is not eligible for the Drug Diversion Program and the associated suspension of sanctions. If an inmate commits a repeated offense of a Category F infraction, the infraction then becomes subject to Category B sanctions.

i. *.203 possession or introduction of any prohibited substances, such as drugs, intoxicants, or related paraphernalia not prescribed for the inmate by the medical or dental staff

ii. *.204 use of any prohibited substances, such as drugs, intoxicants, or related paraphernalia not prescribed for the inmate by the medical or dental staff

iii. *.205 misuse of authorized medication

iv. *.258 refusing to submit to testing for prohibited substances

- v. *.259 failure to comply with an order to submit a specimen for prohibited substance testing (see N.J.A.C. 10A:3-5)
- vi. *.261 tampering with a test specimen
- vii. *.551 making intoxicants, alcoholic beverages, or prohibited substances, such as narcotics and controlled dangerous substances or making related paraphernalia
- viii. *.552 being intoxicated
- ix. *.803 attempting to commit, aiding another person to commit, or making plans to commit any Category B offense

Notes

N.J. Admin. Code § 10A:4-4.1

Amended by 49 N.J.R. 105(a), effective 1/3/2017 Amended by 53 N.J.R. 923(a), effective 5/17/2021



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