

LII > State Regulations > New Jersey Administrative Code
> Title 10A - CORRECTIONS
> N.J. Admin. Code Tit. 10A, ch. 4 - INMATE DISCIPLINE
> Subchapter 5 - SCHEDULE OF SANCTIONS FOR PROHIBITED ACTS
> **N.J. Admin. Code § 10A:4-5.1 - Schedule of sanctions for prohibited acts**

N.J. Admin. Code § 10A:4-5.1 - Schedule of sanctions for prohibited acts

State Regulations Compare

(a) The maximum Restorative Housing Unit (R.H.U.) sanction for any prohibited act or acts resulting from a single incident shall not exceed 365 days. The maximum Adjustment Unit sanction for any prohibited act or acts resulting from a single incident shall be for five to 15 days. The imposition of a sanction involving A.U. time is not mandatory for Category A infractions and shall be:

- i. Based on clear and convincing evidence;
- ii. Limited to infractions involving violence, escapes, or attempts to escape, or poses a threat to institutional safety;
- iii. Based on a finding of guilt when less restrictive interventions would be insufficient to reduce the substantial risks of serious harm; and
- iv. Approved by the correctional facility Administrator, or designee. (See N.J.S.A.

30:4-82.8.a (1)).

(b) The highest level offense in a single incident shall govern the sanctions imposed.

(c) Restorative Housing Unit sanctions for all charges received as the result of a single incident shall be served concurrently.

(d) Repeat occurrences of a specific infraction(s) in Category B, C, and F, in separate incidents, may be considered for sanctioning in the next highest category of the current offense at the discretion of the Disciplinary Hearing Officer. Repeat occurrences of an infraction(s) in Category D or E, in separate incidents, may be considered as a Category C or D offense for sanctioning at the discretion of the Disciplinary Hearing Officer.

(e) A finding of guilt for any offense in Category A may result in a sanction of up to five to 15 days placement in an Adjustment Unit per incident, not to exceed 30 days in a 60-day period due to the offense causing substantial risk of harm to self or others, and up to 365 days Restorative Housing Unit (R.H.U.) placement per incident and one or more of the following sanctions, 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 determination, the inmate may receive one or more of the following less restrictive sanctions:

1. Loss of one or more correctional facility privileges up to 30 calendar days;
2. Loss of commutation time up to 365 calendar days, subject to confirmation by the Administrator (inmates serving indeterminate sentences do not earn commutation time and are therefore not subject to this sanction);
3. Loss of furlough privileges for up to two months;
4. Up to two weeks confinement to room or housing area;
5. Any sanction prescribed for On-The-Spot Correction (see N.J.A.C. 10A:4-7);
6. Confiscation;
7. Up to 14 hours extra duty, to be performed within a maximum of two weeks; and/or
8. Loss of tablet or similar handheld electronic device for up to 30 calendar days.

(f) In addition to imposing one or more of the sanctions in Category A, the Disciplinary Hearing Officer may refer an inmate to the Mental Health Unit for appropriate care/treatment as may be necessary and appropriate. The Disciplinary Hearing Officer or Adjustment Committee may suspend one or more of the sanctions in Category A for 60 calendar days.

(g) A finding of guilt for any offense in Category B may result in a Restorative Housing Unit sanction of up to 120 days per incident and one or more of the following sanctions, 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 determination, the inmate may receive one or more of the following less restrictive sanctions:

1. Loss of one or more correctional facility privileges up to 30 calendar days;
2. Loss of commutation time up to 180 calendar days, subject to confirmation by the Administrator;
3. Loss of furlough privileges for up to two months;
4. Up to two weeks confinement to room or housing area;
5. Any sanction prescribed for On-The-Spot Correction (see N.J.A.C. 10A:4-7);
6. Confiscation;
7. Up to 14 hours extra duty, to be performed within a maximum of two weeks; and/or
8. Loss of tablet or similar handheld electronic device for up to 30 calendar days.

(h) In addition to imposing one or more of the sanctions in Category B, the Disciplinary Hearing Officer may refer an inmate to the Mental Health Unit for appropriate care/treatment as may be necessary and appropriate. The Disciplinary Hearing Officer or Adjustment Committee may suspend one or more of the sanctions in Category B for 60 calendar days.

(i) A finding of guilt for any offense in Category C may result in the following sanctions:

1. Loss of one or more correctional facility privileges up to 30 calendar days;
2. Loss of commutation time up to 90 calendar days, subject to confirmation by the Administrator;
3. Loss of furlough privileges for up to two months;
4. Up to two weeks confinement to room or housing area;
5. Any sanction prescribed for On-The-Spot Correction (see N.J.A.C. 10A:4-7);
6. Confiscation;
7. Up to 10 hours extra duty, to be performed within a maximum of two weeks; and/or
8. Loss of tablet or similar handheld electronic device for up to 30 calendar days.

(j) In addition to imposing one or more of the sanctions in Category C, the Disciplinary Hearing Officer may refer an inmate to the Mental Health Unit for appropriate care/treatment as may be necessary and appropriate. The Disciplinary Hearing Officer or Adjustment Committee may suspend one or more of the above sanctions in Category C for 60 calendar days.

(k) A finding of guilt any offense in Category D may result in the following sanctions:

1. Loss of one or more correctional facility privileges up to 30 calendar days;
2. Loss of commutation time up to 60 calendar days, subject to confirmation by the Administrator;
3. Loss of furlough privileges for up to two months;
4. Up to two weeks confinement to room or housing area;
5. Any sanction prescribed for On-The-Spot Correction (see N.J.A.C. 10A:4-7);
6. Confiscation;
7. Up to 10 hours extra duty, to be performed within a maximum of two weeks; and/or
8. Loss of tablet or similar handheld electronic device for up to 30 calendar days.

(l) In addition to imposing one or more of the sanctions in Category D, the Disciplinary Hearing Officer may refer an inmate to the Mental Health Unit for appropriate care/treatment as may be necessary and appropriate. The Disciplinary Hearing Officer or Adjustment Committee may suspend one or more of the sanctions in Category D for 60 calendar days.

(m) A finding of guilt any offense in Category E shall render the offender subject to any one or more of the following sanctions:

1. Loss of one or more correctional facility privileges up to 30 calendar days;
2. Loss of commutation time up to 60 calendar days, subject to confirmation by the Administrator;
3. Loss of furlough privileges for up to two months;
4. Up to two weeks confinement to room or housing area;
5. Any sanction prescribed for On-The-Spot Correction (see N.J.A.C. 10A:4-7);
6. Confiscation; and/or
7. Up to four hours extra duty, to be performed within a maximum of two weeks.

8. Loss of tablet or similar handheld electronic device for up to 30 calendar days.

(n) In addition to imposing one or more of the above sanctions, in Category E, the Disciplinary Hearing Officer may refer an inmate to the Mental Health Unit for appropriate care/treatment as may be necessary and appropriate. The Disciplinary Hearing Officer or Adjustment Committee may suspend one or more of the above sanctions in Category E for 60 calendar days.

(o) 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 a sanction of one or more of the sanctions for infractions of Category B prohibited acts. If the Disciplinary Hearing Officer imposes a 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 that loss of contact visits 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 charged with prohibited act *.900 and Category B sanction(s) applied without consideration for time served in the 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 (see N.J.A.C. [10A:16-14.2](#)).

(p) Pursuant to the "Zero Tolerance Drug/Alcohol Policy" as defined at N.J.A.C. [10A:1-2.2](#), a finding of guilt to any of the following prohibited acts shall result in termination of contact visit privileges and ineligibility for consideration for any custody status lower than medium custody until after contact visit privileges are reinstated.

1. *.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;
2. *.204 use of any prohibited substances such as drugs, intoxicants or related paraphernalia not prescribed for the inmate by the medical or dental staff;
3. *.215 possession with intent to distribute or sell prohibited substances such as drugs, intoxicants or related paraphernalia;
4. *.216 distribution or sale of prohibited substances such as drugs, intoxicants or related paraphernalia;
5. *.258 refusing to submit to testing for prohibited substances;

6. *.259 failure to comply with an order to submit a specimen for prohibited substance testing (see N.J.A.C. 10A:3-5);
7. *.261 tampering with a test specimen;
8. *.551 making intoxicants, alcoholic beverages or prohibited substances such as narcotics and controlled dangerous substances or making related paraphernalia;
9. *.552 being intoxicated;
10. *.708 refusal to submit to a search (when the inmate has been given advance verbal notice that the search is being conducted due to reasonable suspicion related to possession, sale, or use of prohibited substances, such as drugs, alcohol, or intoxicants and the advance notice has been documented); and
11. *.803 attempting to commit any of the above acts preceded by an asterisk, aiding another person to commit any such act or making plans to commit such acts shall be considered the same as a commission of the act itself.

(q) Pursuant to the "Zero Tolerance Drug/Alcohol Policy" as defined at N.J.A.C. [10A:1-2.2](#), a finding of guilt to prohibited act *.205 misuse of authorized medication (such as narcotics and controlled dangerous substances), as determined by the Disciplinary Hearing Officer or Adjustment Committee, may result in termination of contact visit privileges and ineligibility for consideration for any custody status lower than medium custody until after contact visit privileges are reinstated.

(r) Pursuant to the "Zero Tolerance for Misuse or Possession of an Electronic Communication Device Policy" as defined at N.J.A.C. [10A:1-2.2](#), a finding of guilt to prohibited act *.009 as determined by the Disciplinary Hearing Officer or Adjustment Committee, shall result in:

1. The termination of contact visit privileges;
2. Ineligibility for consideration for any custody status lower than medium custody until after the contact visit privileges are reinstated;
3. Any administrative action and program requirements deemed necessary in accordance with this section; and
4. Referral to the prosecutor of the county in which the correctional facility is located pursuant to N.J.A.C. [10A:4-4.2](#) and in accordance with N.J.S.A. 2C:29-10.

(s) In accordance with N.J.S.A. 30:4-140.1, a finding of guilt to *.360 unlawfully obtaining or seeking to obtain personal information pertaining to an inmate's victim or the victim's family shall subject an inmate to the forfeiture of up to 365 accumulated commutation credits and up to 72 work time credits.

(t) In addition to the sanctions in this section, administrative action may be taken when approved by the Institutional Classification Committee upon the recommendation of the Disciplinary Hearing Officer/Adjustment Committee or the Administrator or designee. Such administrative action may include, but not be limited to, the following:

1. Recommending transfer to a more appropriate correctional facility or unit (excluding units not considered punitive, such as, but not limited to, a Protective Custody Unit);
2. Increasing custody status;
3. Changing work or housing assignments;
4. Assigning to a treatment program;
5. Assessing restitution for damage, alteration or destruction of State property, the property of another person, or violation of prohibited act .707 which results in undue expenditure of State funds;
6. Recommending loss of telephone, radio, television and/or tablet or similar handheld electronic device privileges for up to one year;
7. Recommending loss of contact visit privileges for up to one year provided the offense is specifically related to, or concerned with a visit program, except in the case of a termination of contact visits sanction as established in N.J.A.C. [10A:4-5.1\(c\) through \(e\)](#);
8. Recommending loss of recreation privileges for up to 180 calendar days provided the offense is specifically related to, or concerned with a recreation privilege;
9. Disposal of an item(s) in accordance with the provisions of N.J.A.C. [10A:3-6.3\(b\)2, 3 and 4](#); and/or
10. Placing in a "DRY" cell during prehearing discipline.

Notes

N.J. Admin. Code § 10A:4-5.1

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

State Regulations Toolbox

[Accessibility](#)
[About LII](#)
[Contact us](#)
[Advertise here](#)
[Help](#)
[Terms of use](#)
[Privacy](#)