

# RULE PROPOSALS

## INTERESTED PERSONS

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

## LAW AND PUBLIC SAFETY

### (a)

#### DIVISION OF CRIMINAL JUSTICE

#### Body Armor Replacement Fund Program

#### Proposed Amendments: N.J.A.C. 13:80A-1.4, 2.1, 3.1 and 3.4

Authorized By: Deborah L. Gramiccioni, Director, Division of Criminal Justice.

Authority: N.J.S.A. 52:17B-4.4 and 101.

Calendar Reference: See Summary below for explanation of exception to the calendar requirement.

Proposal Number: PRN 2010-065.

Submit written comments via overnight or regular mail only by July 2, 2010 to:

Heddy Levine-Sabol, Chief  
 Division of Criminal Justice  
 Program Development/Grants Section  
 Body Armor Replacement Fund Program (Public Comments)  
 Division of Criminal Justice  
 P.O. Box 085  
 Trenton, New Jersey 08625

The agency proposal follows:

#### Summary

The Division of Criminal Justice (Division) proposes to amend the Body Armor Replacement Fund Program (Grant Program) rules, N.J.A.C. 13:80A. Because the Division is providing a 60-day comment period, this notice is excepted from the rulemaking calendar requirement of N.J.A.C. 1:30-3.3(a)5.

The rules govern the Grant Program, which offers local and certain State law enforcement and correctional agencies funding to offset the costs of purchasing body armor vests for their eligible officers. This grant program is supported by the Body Armor Replacement Fund (Fund), a non-lapsing revolving fund, financed through the imposition of a \$1.00 fee assessed on convictions for motor vehicle and traffic offenses and on forfeitures of bail. See N.J.S.A. 52:17B-4.4. These rules set forth the guidelines followed by the Division to administer the Grant Program and the procedures to be followed by applicant agencies in applying for grant funds.

The Director of the Division now proposes to amend the existing rules to allow the Division to issue grants on a calendar-year basis. Currently, the rules require the issuance of grants on an annual basis but Fund collections are tallied after the expiration of the State fiscal year, or June 30th. The Division proposes amendments to delete references to the end of the State fiscal year to allow the Division the flexibility to issue grants on a calendar-year basis. The Division will award grants from the Fund

after the end of the 2009 calendar year in light of reduced funding levels. Accordingly, the Fund distribution scheduled for 2009 will be deferred until 2010.

An amendment is proposed to N.J.A.C. 13:80A-1.4 to delete the definition of State fiscal year as it is now superfluous. The suggested deletion conforms the rule with the authorizing statutory language of N.J.S.A. 52:17B-4.4, which does not mention the State fiscal year.

An amendment is proposed to N.J.A.C. 13:80A-2.1(a) to delete the reference to "from the preceding State fiscal year" to allow the Division to distribute grants from the Fund on a calendar-year basis. Another proposed amendment conforms this section to recent reorganizations of State agencies. The amendment replaces the "Department of Personnel" with the "Department of the Treasury," which is the payor for the Law Enforcement Officer Crisis Intervention Services Telephone Hotline. The Law Enforcement Officer Crisis Intervention Services telephone hotline was transferred to the Department of Health and Senior Services and funding for this hotline is paid to the Department of the Treasury. P.L. 2008, c. 29, §§78 and 95.

An amendment is proposed to N.J.A.C. 13:80A-3.1 to delete references for the issuance of successive annual grants after the conclusion of the State fiscal year. The proposed amendment replaces the phrase "following the conclusion of ensuing State fiscal years" with the term "annually" to authorize the Division to provide grants from the Fund at the end of the calendar year.

An amendment to N.J.A.C. 13:80A-3.4(c) is proposed to delete the phrase "as of June 30." This proposed deletion authorizes the Division to provide grants from the Fund at the end of the calendar year instead of the end of the State fiscal year.

#### Social Impact

The proposed amendments will have a positive social impact for the reasons discussed in the Economic Impact below. The existing rules provide grant funds to these agencies, a positive social impact, to support the purchase of life-saving body armor for their eligible officers.

#### Economic Impact

The proposed amendments have no economic impact on local law enforcement and correctional agencies, the Division of State Police, the Department of Corrections, the Division of Criminal Justice, the Juvenile Justice Commission, the State Parole Board and the Administrative Office of the Courts. The proposed amendments provide the Division with flexibility to offer grants on a calendar-year basis. The existing rules provide grant funds to these agencies, a positive economic impact, to support the purchase of life-saving body armor for their eligible officers.

#### Federal Standards Statement

A Federal standards analysis is not required because the proposed amendments are not subject to any Federal standards or requirements.

**Job Impact**

The proposed amendments are not expected to result in the generation or loss of jobs in the State.

**Agriculture Industry Impact**

The proposed amendments will not have any impact on the agricultural industry in New Jersey or elsewhere.

**Regulatory Flexibility Statement**

A regulatory flexibility analysis is not required because the proposed amendments do not impose reporting, recordkeeping or other compliance requirements on small businesses, as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules apply only to State and local law enforcement and correctional agencies.

**Smart Growth Impact**

The proposed amendments will not have an impact on the achievement of smart growth or the implementation of the State Development and Redevelopment Plan. The proposed amendments provide the Division with flexibility to offer grants on a calendar basis.

**Housing Affordability Impact**

The proposed amendments will have no impact on affordable housing in New Jersey, nor evoke a change in the average costs associated with housing. The proposed amendments provide the Division with flexibility to offer grants on a calendar basis.

**Smart Growth Development Impact**

The proposed amendments will have an insignificant impact on smart growth development. There is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2 or within designated centers under the State Development and Redevelopment Plan in New Jersey. The proposed amendments provide the Division with flexibility to offer grants on a calendar basis.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

SUBCHAPTER 1. PURPOSE, SCOPE, DEFINITIONS

13:80A-1.4 Definitions

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

...  
[“State fiscal year” means a fiscal year which runs between July 1 through June 30.]  
...

SUBCHAPTER 2. BODY ARMOR REPLACEMENT PROGRAM

13:80A-2.1 Fund uses and limitations

(a) All of the monies deposited in the [fund from the preceding State fiscal year] **Fund** shall be available annually for grants for the purchase of body armor, exclusive of the allocations made by the Act to the Department of Law and Public Safety for administrative expenses of the grant program and to the Department of [Personnel] **the Treasury** for **funding** the operation of the Law Enforcement Officer Crisis Intervention Services Telephone Hotline.

(b) (No change.)

13:80A-3.1 Initial and successive program grants

Initial grants to eligible applicants shall be awarded at the conclusion of the State Fiscal Year 1998. Successive grants shall be awarded [following the conclusion of ensuing State fiscal years,] **annually** upon determination of available funds.

13:80A-3.4 Grant award process

(a)-(b) (No change.)

(c) Additional grant funds shall be distributed to eligible applicants if available funds remain from the amount of monies deposited in the Fund [as of June 30] minus statutory allotments and the amount necessary to make all of the base grant awards.

(d)-(g) (No change.)

\_\_\_\_\_  
**(a)**

**DIVISION OF STATE POLICE  
Notice of Extension of Comment Period  
Uniform Crime Reporting System  
Proposed Readoption with Amendments N.J.A.C.  
13:57**

**Take notice** that the Division of State Police is extending the public comment period on the above-referenced proposed readoption published in the November 16, 2009 New Jersey Register at 41 N.J.R. 4189(a). The public comment period has been extended to May 8, 2010.

Submit written comments on or before May 8, 2010 to:

Colonel Joseph R. Fuentes, Superintendent  
c/o Criminal Justice Records Bureau  
Attn: Uniform Crime Reporting Unit  
New Jersey State Police  
P.O. Box 7068  
West Trenton, New Jersey 08628-0068