

**SECOND REVISED PROPOSED REGULATION OF THE
DIRECTOR OF THE DEPARTMENT OF CORRECTIONS**

LCB File No. R108-26

August 24, 2026

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1-7, 9-19 and 21-28, NRS 209.131 and section 4 of Senate Bill No. 105, chapter 110, Statutes of Nevada 2023, at page 577; § 8, NRS 209.42303; § 20, NRS 209.365 and section 4 of Senate Bill No. 105, chapter 110, Statutes of Nevada 2023, at page 577.

A REGULATION relating to incarcerated persons; establishing provisions governing the incoming mail sent to and outgoing mail sent from incarcerated persons by institutions and facilities of the Department of Corrections; requiring an institution or facility of the Department to, with certain exceptions, use either an employee of the Department or a digital mail service to receive, process and electronically deliver mail to an offender in the institution or facility; requiring an institution or facility to provide an offender with an original, physical copy of any legal mail or privileged communication sent to the offender, with certain exceptions; authorizing an institution or facility to censor the legal mail and privileged communication of an offender under certain circumstances; requiring the mailroom of an institution or facility to screen the incoming mail of an offender; establishing provisions governing the publications received by an offender; authorizing an institution or facility to monitor the incoming or outgoing mail of an offender under certain circumstances; establishing processes for the sender of mail to an offender and an offender to appeal the rejection of mail sent to or by an offender; requiring an institution or facility to maintain certain records relating to mail; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Corrections to be responsible for the supervision, custody, treatment, care, security and discipline of all offenders under his or her jurisdiction. (NRS 209.131) Senate Bill No. 105 of the 2023 Legislative Session (S.B. 105) made the Department subject to the Nevada Administrative Procedure Act for the purpose of adopting regulations relating to correspondence with inmates of the Department. (NRS 233B.039) S.B. 105 also required the Department to, as soon as practicable, adopt regulations to replace the current regulations adopted by the Department relating to correspondence with inmates. (Section 4 of Senate Bill No. 105, chapter 110, Statutes of Nevada 2023, at page 577)

Sections 3-5 of this regulation define certain terms relating to the mail of offenders. **Section 2** of this regulation applies these definitions to the provisions of the relevant chapter of

the Nevada Administrative Code. **Section 6** of this regulation provides that for the purposes of **sections 7-28** of this regulation: (1) certain terms relating to the mail of offenders shall be treated in the same manner in regards to transmittal to and from an institution or facility; and (2) nothing affects any constitutional rights relating to certain terms.

Section 7 requires each institution or facility to: (1) designate a secure mailroom; (2) open and operate the mailroom for certain hours and days; and (3) designate a secure mailbox for outgoing mail.

Existing law requires an institution or facility of the Department to provide an offender with the original, physical copy of any mail addressed to the offender that the offender is entitled and allowed to receive. Existing law also authorizes the Director, with the approval of the Board of State Prison Commissioners, to adopt regulations exempting the Department from this requirement if the Department conducts a study and determines, using evidence-based methods, that complying with the requirements presents a danger to the health and safety of the staff or offenders in institutions or facilities of the Department. (NRS 209.42303) **Section 8** requires an institution or facility to, with certain exceptions, use either an employee of the Department or a digital mail service to receive, process and electronically deliver mail to an offender and establishes requirements for mail sent to the digital mail service. **Section 12** requires an institution or facility to provide an offender with the original, physical copy of any legal mail or privileged communication addressed to the offender, with certain exceptions.

Section 9 prohibits an institution or facility, under certain circumstances, from limiting the number of letters an offender may send or receive. **Section 9** also authorizes an institution or facility to suspend or terminate correspondence between an offender and a third party under certain circumstances.

Section 10 establishes certain requirements for incoming mail to an offender, including: (1) requiring certain information on the envelope of any incoming mail; (2) prohibiting incoming mail from including certain confidential information; and (3) permitting offenders to receive certain enclosures in first-class mail sent to the offender.

Section 11: (1) establishes certain requirements for outgoing mail from an offender, including requiring certain information on the envelope of outgoing mail; (2) requires an institution or facility to unseal and inspect outgoing mail; (3) authorizes an institution or facility to use radiation or video imaging to inspect outgoing mail; (4) authorizes a warden or manager of an institution or facility to prohibit the transmittal of outgoing mail under certain circumstances; and (5) requires an institution or facility to provide an indigent offender with postage for not more than two personal letters per week.

Section 13 establishes requirements for outgoing legal mail or privileged communication sent by an offender. **Section 13:** (1) requires the mailroom of an institution or facility to inspect any outgoing mail for contraband and then seal and initial the envelope; and (2) authorizes the mailroom to digitally scan outgoing legal mail and privileged communication from an indigent offender before sealing the envelope.

Section 14 establishes requirements for incoming legal mail and privileged communication, including requiring the mailroom of an institution or facility to: (1) attach a record of receipt to any incoming legal mail or privileged communication; and (2) digitally inspect incoming legal mail and privileged communication to screen for contraband.

Section 15 authorizes an institution or facility to, subject to the advice of the Office of the Attorney General, censor legal mail or privileged communication if there is a reasonable suspicion that the mail or correspondence contains certain evidence or contraband. **Section 15**

establishes certain requirements if an institution or facility proceeds with censoring the mail of an offender and authorizes an offender to appeal the censorship using a grievance process established by **section 27**.

Section 16 requires the mailroom of an institution or facility to screen any incoming mail sent to an offender for certain contraband and: (1) reject the mail if contraband or foreign substances are found on the mail; (2) notify the associate warden or associate manager of the facility if the mailroom believes there is unauthorized content within the mail; and (3) if unable to determine if an item is unauthorized, open the mail.

Section 17 establishes requirements for an institution or facility to hold or deliver mail to an offender or return mail to the sender in circumstances where an offender has been transferred to another institution or facility, released from the custody of the Department, institution or facility or temporarily confined in a hospital or jail outside of the institution or facility.

Section 18 provides that an offender may only correspond with another offender in a different institution or facility if: (1) the other offender is an immediate family member of the offender; or (2) if the correspondence is legal and by court order or the other offender is a co-defendant or co-plaintiff in active litigation of a post-conviction matter. **Section 18** requires an offender who wishes to correspond with another offender to obtain a request form from his or her caseworker which must then be approved by the warden of the institution or manager of the facility of both offenders.

Section 19 authorizes a person who wishes to send a one-way communication to an offender to use electronic mail. **Section 19** also authorizes an institution or facility to open and inspect any electronic mail sent to an offender for unauthorized content and reject the electronic mail if unauthorized content is found.

Existing law requires the Director to adopt, with the approval of the Board, regulations establishing and governing a program, to be carried out within each institution and facility, to prevent an offender from possessing or receiving certain publications. (NRS 209.365) **Section 20** authorizes an offender to order and receive certain publications from a vendor or publisher which is verifiable and approved by the institution or facility. **Section 20** also requires each institution and facility to establish a publication review committee to review all publications addressed to an offender that the mailroom suspects contains unauthorized content. Lastly, **section 20** prohibits an institution or facility from rejecting a publication addressed to an offender solely for the reason that it contains content which is religious, political, social, sexual, unpopular, repugnant or which does not agree with commonly held beliefs and practices.

Section 21 authorizes an offender to order and receive certain correspondence courses.

Section 22 establishes requirements for when certain checks addressed to an offender are received by an institution or facility.

Section 23: (1) requires each institution or facility to establish a process for reviewing items of mail received by the institution or facility which the institution or facility suspects contains certain content that is unauthorized; and (2) prohibits an institution or facility from delivering any incoming mail to an offender that contains such content.

Section 24 authorizes an institution or facility to monitor certain incoming or outgoing mail of an offender if an institution or facility has a reasonable suspicion that the mail has unauthorized content. **Section 24** requires the staff of the institution or facility to: (1) with certain exceptions for exigent circumstances, submit a request to the warden or manager of the institution or facility for approval before monitoring the mail of an offender; and (2) maintain a record of all monitoring activity.

Section 25 requires: (1) an institution or facility that rejects any mail addressed to an offender to provide certain notices of the rejection and the right to appeal the rejection to the offender and the sender of mail; and (2) to maintain a record of all mail that is rejected. If the sender objects to the rejection of the mail, **section 26** establishes a process for the sender to appeal the rejection. **Section 27** establishes a process for an offender to submit a grievance for the rejection of mail.

Section 28 requires an institution or facility to maintain records of: (1) certain incoming and outgoing mail received by an institution or facility; and (2) authorized correspondence sent between offenders, mail containing unauthorized items or content and mail that is monitored or rejected by the institution or facility.

Section 1. Chapter 209 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 28, inclusive, of this regulation.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Contraband” means any item or article of property which:*

- 1. The Department has not authorized to be in the possession of an offender;*
- 2. Is in excess of the maximum quantity the Department has permitted to be in the possession of an offender;*
- 3. An offender has obtained from a source which is unauthorized by the Department;*
- 4. Poses a serious threat to the security of the institution or facility;*
- 5. The Department has previously authorized to be in the possession of an offender but now is unauthorized by the Department due to health, fire or safety concerns; or*
- 6. The Department has authorized to be in the possession of an offender but which has been altered from its original state.*

Sec. 4. *“Legal mail” means any confidential correspondence between an offender and any of the following persons or entities, if the person or entity is directly involved in any active legal matter of the offender:*

1. An attorney licensed to practice in this State, another state or territory of the United States or the District of Columbia;

2. A law firm;

3. A program for legal aid;

4. A court in this State or a court of another state, territory or Indian tribe within the United States; or

5. A governmental agency.

Sec. 5. *“Privileged communication” means any correspondence between an offender and any of the following persons or entities:*

1. An elected officer of this State or any of its political subdivisions;

2. An officer of this State appointed by the Governor;

3. An officer of the Department appointed by the Director;

4. A member of the Legislature;

5. A commissioner of the State Board of Pardons Commissioners;

6. A commissioner of the State Board of Parole Commissioners;

7. A member of the Nevada Sentencing Commission;

8. A member of the Nevada Equal Rights Commission;

9. A member or staff of the State Board of Examiners;

10. An attorney licensed to practice in this State, another state or territory of the United States or the District of Columbia;

- 11. A representative of an attorney;*
- 12. A program for legal aid;*
- 13. Diplomatic personnel;*
- 14. An organization that assists victims of sexual assault, including, without limitation, the Rape Crisis Center; or*
- 15. Any other correspondence with a person or entity whom a court order deems is privileged.*

Sec. 6. *For the purposes of sections 7 to 28, inclusive, of this regulation:*

- 1. The terms “legal mail” and “privileged communication” shall be considered identical and treated in the same manner in regards to transmittal to and from an institution or facility; and*
- 2. Nothing shall be deemed to affect the meaning of the term “legal mail” for the purposes of any constitutional rights relating to legal mail.*

Sec. 7. *1. Each institution and facility shall designate a secure:*

- (a) Mailroom within the institution or facility and open and operate the designated mailroom for 8 hours per day, excluding Saturdays, Sundays and holidays.*
- (b) Mailbox or mailboxes to collect any outgoing mail from an offender. Outgoing mail must only be collected from the designated mailbox by staff of the institution or facility in accordance with a schedule set by the institution or facility, but not less than once per day, excluding Saturdays, Sundays and holidays.*

2. All items of incoming mail and outgoing mail must be processed by the institution or facility in accordance with appropriate precautions to protect the health and safety of the staff of the institution or facility.

Sec. 8. 1. *Except as otherwise provided in subsections 3 and 5 and sections 20 and 21 of this regulation, an institution or facility shall use either an employee of the Department or a digital mail service which has been approved by the Department to receive, process and electronically deliver to an offender any mail addressed to the offender.*

2. If the Department uses a digital mail service and mail is sent to an institution or facility directly instead of the digital mail service, the staff of the institution or facility shall reject the mail and return the mail to the sender with instructions to use the digital mail service.

3. If an institution or facility is experiencing technical issues regarding the delivery of mail by electronic means, the staff of the institution or facility may provide an offender with the original, physical copy of any mail addressed to the offender while the institution or facility is experiencing the technical issues.

4. In addition to any requirements set forth in section 10 of this regulation, all mail sent to an offender must be written on printer paper or bond paper which must be:

(a) White in color; and

(b) Not more than 8 1/2 by 11 inches in size.

5. The provisions of this section do not apply to legal mail, privileged communication, publications, correspondence courses or any enclosures that meet the requirements of section 10 of this regulation.

Sec. 9. 1. *Except as otherwise provided in subsection 5, an institution or facility shall not limit the number of letters an offender may send or receive.*

2. An offender may correspond in the primary language of the offender.

3. An institution or facility shall not authorize an offender to personally:

(a) Acquire mail addressed to the offender from the designated mailroom; or

(b) Deliver outgoing mail to the designated area or mailbox.

4. An institution or facility shall ensure that mail is not left unattended in any areas of the institution or facility where offenders may have access to the mail.

5. An institution or facility may suspend or terminate correspondence between an offender and a third party if either party violates any of the provisions of sections 8 to 28, inclusive, of this regulation.

Sec. 10. 1. *Except as otherwise provided by subsection 2, the envelope for all incoming mail addressed to an offender must:*

(a) Be addressed to the offender in the name under which the offender was committed to the institution or facility or, if the offender obtained a legal name change after being committed to the institution or facility, be addressed to both names;

(b) Include the proper spelling of the name or names, as applicable, of the offender to which the mail is addressed;

(c) Except as otherwise provided in paragraph (a) of subsection 2, include the identification number of the offender to which the mail is addressed;

(d) Contain the name and address of the sender of the mail in the upper left corner of the envelope; and

(e) Not contain any stickers, glitter, bodily fluids, lipstick, wax, adhesives, tape, labels, perfume, controlled substances or dangerous drugs or any other unknown foreign substance.

2. If an envelope received by an institution or facility as incoming mail contains:

(a) The correctly spelled name or names, as applicable, of the offender, but the identification number of the offender is missing or incorrect, the institution or facility shall attempt to ascertain and deliver the mail to the offender to which the mail is addressed.

(b) The incorrectly spelled or missing name or names, as applicable, of the offender and the identification number of the offender is missing or incorrect, the institution or facility shall return the mail unopened to the sender.

3. Mail addressed to the offender may not include any confidential information, including, without limitation, personal information pertaining to:

(a) Any offender who is currently or has previously been in the custody of the Department;
or

(b) Any person without the knowledge and written consent of that person.

4. An institution or facility shall permit an offender to receive the following enclosures per envelope in first-class mail addressed to an offender:

(a) Not more than 10 pages from a source such as a newspaper, magazine or website, not including a pamphlet or the text of one article or advertisement.

(b) Not more than 10 personal photographs, not including photographs in an enclosed article or advertisement from a source such as a newspaper, magazine or website, which must:

- (1) Be not more than 8 by 10 inches in size;*
 - (2) Not be produced from a camera which has the capability of instantly developing and printing photographs;*
 - (3) Contain on the back of each photograph the name or names, as applicable, and identification number of the offender to which the mail is addressed;*
 - (4) Not contain any stickers, glitter, bodily fluids, lipstick, wax or any other unknown foreign substance; and*
 - (5) Not depict sexual activity.*
- (c) One item or article of religious material.*

(d) A calendar, which must:

(1) Not contain any spiral bindings or metal;

(2) Be not more than 11 by 18 inches in size;

(3) If the offender intends to display the calendar, not contain any depictions of nude persons;

(4) Not contain any depictions of sexual activity;

(5) Be manufactured by a publisher or vendor which is verifiable by the institution or facility; and

(6) Arrive to the institution or facility in a factory-sealed wrapper.

5. If incoming mail addressed to an offender contains an item of personal identification, such as a birth certificate, a social security document, a marriage document or a military document, the institution or facility shall forward the document to the assigned caseworker of the offender to coordinate delivery to the offender.

Sec. 11. *1. Any outgoing mail from an institution or facility must be sent using the United States Postal Service and contain the appropriate postage.*

2. Any envelope containing outgoing mail must:

(a) Be properly addressed;

(b) Be stamped on the back with the name of the institution or facility from which it is being sent and the date of mailing; and

(c) On the portion of the envelope for the return address, contain the name or names, as applicable, and identification number of the offender who is sending the mail, and the name and address of the institution or facility from which it is being sent.

3. Except as otherwise provided in section 13 of this regulation, an institution or facility shall:

(a) Unseal each item of outgoing mail for inspection pursuant to paragraph (b); and
(b) Inspect any item of outgoing mail and reject any mail that is found to contain contraband or any other prohibited items in accordance with the requirements of section 25 of this regulation.

4. An institution or facility may:

(a) Use terahertz radiation or video imaging to inspect any item of outgoing mail and screen for and detect contraband on or within the item of outgoing mail.

(b) Route any outgoing mail addressed to an official or staff member of the Department through the internal mail system of the Department.

5. A warden or manager, or his or her designee, may prohibit the transmittal of any outgoing mail under appropriate circumstances that does not violate the constitutional rights of an offender, which includes, without limitation, circumstances where the mail is found to contain correspondence:

(a) To a minor whose legal guardians have objected, in writing, to such correspondence;

(b) To a person who has objected in writing to receiving lewd, threatening or offensive correspondence;

(c) Prohibited by a court order, such as an order prohibiting contact with the victim; or

(d) That would jeopardize the safety and security of the institution or facility or other property or people.

6. An institution or facility shall provide written notice to an offender when the transmittal of outgoing mail has been prohibited pursuant to subsection 5.

7. If an offender attempts to engage in prohibited correspondence pursuant to subsection 5, the institution or facility shall take disciplinary action against the offender.

8. If an offender is indigent, the institution or facility shall provide the offender with postage for not more than two personal letters per week. The mailroom of the institution or facility must write the budget account number for the Department in the area of the envelope where the postage stamp would be placed and send the mail to the state mailroom of the Department for processing by the Department. If an institution or facility does not have access to the state mailroom of the Department, the institution or facility shall purchase postage stamps itself to provide to an indigent offender.

9. For the purposes of this section, an offender is not “indigent” if an account belonging to the offender is inaccessible to the offender. During the time an account is inaccessible to an offender, such an offender shall submit with any outgoing mail a form approved by the Department to request a withdrawal from the account belonging to the offender to be sent to the Department.

Sec. 12. *1. Any legal mail sent from or received by an institution or facility is privileged communication.*

2. An institution or facility shall provide an offender with the original, physical copy of any legal mail or privileged communication addressed to the offender unless the institution or facility detects the presence of contraband consisting of controlled substances or dangerous drugs in or on any paper contained within the legal mail or privileged communication.

3. An institution or facility shall not monitor legal mail or privileged communication but may censor any incoming or outgoing legal mail or privileged communication in accordance with the provisions of section 15 of this regulation.

4. The supervisor of the mailroom, or his or her designee, of each institution or facility shall maintain a digital record of all legal mail and privileged communication that is sent from or received by the institution or facility using a digital program approved by the Department.

Sec. 13. *1. An offender shall send any outgoing legal mail or privileged communication through the United States Postal Service unless otherwise ordered by a court. In addition to any requirements set forth in section 11 of this regulation, outgoing legal mail and privileged communication must:*

(a) Be properly addressed to a person or entity which is involved in any active legal matter of the offender; and

(b) Include the word “confidential” on the face of the envelope.

2. The mailroom of an institution or facility:

(a) Shall inspect, but shall not read, any outgoing legal mail or privileged communication for contraband. If the legal mail or privileged communication is sealed by an offender before the inspection, the mailroom shall reject the legal mail or privileged communication and return the legal mail or privileged communication to the offender.

(b) After inspecting the legal mail or privileged communication pursuant to paragraph (a), shall seal and initial the envelope.

(c) May digitally scan, but shall not read, any outgoing legal mail or privileged communication from an indigent offender before sealing the envelope.

3. An institution or facility shall not:

(a) Hold for more than 24 hours before transmittal, excluding Saturdays, Sundays and holidays, any outgoing legal mail or privileged communication after receiving the legal mail or privileged communication from an offender; and

(b) Limit the amount of charges for postage for outgoing first-class legal mail or privileged communication related to a civil rights matter, a habeas corpus matter or post-conviction litigation that an indigent offender may accumulate during the time the offender is indigent.

Sec. 14. *1. An institution or facility shall only classify incoming mail as legal mail or privileged communication if the envelope clearly identifies a person or entity which is involved in any active legal matter of the offender in the return address.*

2. The mailroom of an institution or facility shall:

(a) Complete and attach to any incoming legal mail or privileged communication received by the institution or facility record of receipt and maintain the record of receipt in the mailroom of the institution or facility;

(b) Digitally inspect, without physically opening, any incoming legal mail or privileged communication to screen for contraband on or within the legal mail or privileged communication. Except as otherwise provided by subsection 3, the mailroom shall:

(1) If contraband is detected during the initial inspection, retain and secure the legal mail or privileged communication as evidence and notify both the offender and the sender of the legal mail or privileged communication of the reason the legal mail or privileged communication was not delivered to the offender in accordance with the requirements of section 25 of this regulation for rejecting mail; or

(2) If contraband is not detected during the initial inspection, open and physically inspect the legal mail or privileged communication in the presence of the offender, unless the offender waives this process in writing, and, if no contraband is found, deliver the legal mail or privileged communication to the offender; and

(c) If the legal mail or privileged communication is addressed to an offender who is in the custody of another institution or facility, forward the legal mail or privileged communication to the appropriate institution or facility through the United States Postal Service.

3. If, during any inspection of legal mail or privileged communication conducted pursuant to paragraph (b) of subsection 2, the mailroom finds physical contraband or detects the presence of contraband consisting of controlled substances or dangerous drugs in or on any paper contained within the legal mail or privileged communication, the mailroom shall scan and copy the legal mail or privileged communication in the presence of the offender and provide the offender with the copy of the legal mail or privileged communication while retaining and securing the original copy as evidence.

4. An offender may not receive legal mail or privileged communication in the medium of a recordable compact disc or digital video disc unless the compact disc or digital video disc is delivered directly from a court in this State and the content is verified by the institution or facility.

Sec. 15. *1. If there is a reasonable suspicion that any incoming or outgoing legal mail or privileged communication contains evidence of impending criminal activity or activity that is a threat to the safety or security of the institution or facility or contains contraband, an institution or facility may censor the legal mail or privileged communication by withholding the legal mail or privileged communication in accordance with the requirements of this section.*

2. If an institution or facility seeks to censor legal mail or privileged communication pursuant to subsection 1, the institution or facility shall contact the Office of the Attorney

General before censoring any legal mail or privileged communication for advice as to whether the legal mail or privileged communication may be censored.

3. If the institution or facility proceeds with censoring legal mail or privileged communication following the advice of the Office of the Attorney General:

(a) If there is a concern regarding the security or safety of opening any legal mail or privileged communication that will be censored, the institution or facility may video record the opening of the legal mail or privileged communication and place the video recording into evidence;

(b) For outgoing mail, not less than two members of the staff of the institution or facility must be present when the outgoing legal mail or privileged communication is censored;

(c) For incoming mail, the institution or facility censoring an item of incoming mail shall:

(1) Remove any cash and personal checks from the censored mail and return the mail to the sender;

(2) Remove any money orders or cashier's checks made out to the offender and credit the money order or check to the account of the offender; and

(3) Place any other item removed from the censored mail into evidence; and

(d) The institution or facility shall remove any contraband, if found, and hold the contraband as evidence for disciplinary action.

4. If legal mail or privileged communication is censored pursuant to subsection 3, the institution or facility shall:

(a) Provide a written report of censorship to the warden or manager not later than 24 hours after censoring the mail;

(b) Notify the sender and the offender of the removal and confiscation of any item contained in the censored mail; and

(c) Complete a form approved by the Department for the notification of censorship and distribute the form as required by the form.

5. An offender may appeal the censorship of any legal mail or privileged communication pursuant to this section through the grievance process set forth in section 27 of this regulation.

6. An institution or facility shall not monitor the legal mail or privileged communication of an offender.

Sec. 16. *Except as otherwise provided in section 23 of this regulation, when any mail addressed to an offender, including, without limitation, mail marked as “Return to Sender,” enters an institution or facility and the institution or facility intends or is required to deliver the original, physical copy of the mail to the offender:*

1. The mailroom of the institution or facility shall screen the mail to detect cash, coins, checks, money orders or any contraband that may be present on or within the item of mail.

2. If, after screening the mail pursuant to subsection 1, the mailroom finds:

(a) Contraband or any foreign substance on or within the mail, the mailroom shall reject the mail in accordance with the requirements of section 25 of this regulation;

(b) Content within the mail that the mailroom suspects is unauthorized pursuant to section 23 of this regulation, the mailroom staff shall notify an associate warden or associate manager, as designated by the institution or facility, respectively, for further review and to make a determination whether to reject the mail; or

(c) An item within the mail that the mailroom staff is unable to ascertain from the screening process whether the item is unauthorized by the Department, the mailroom may open the item of mail to make a determination.

3. The mailroom shall:

(a) Dispose of any contraband found during a screening conducted pursuant to subsection 1 and reject the mail pursuant to section 27 of this regulation; and

(b) Deliver any mail addressed to an offender which is not rejected during the screening conducted pursuant to subsection 1.

Sec. 17. *1. If an offender transfers to another institution or facility, the institution or facility that previously had custody of the offender shall forward to the offender:*

(a) Through the United States Postal Service, all first-class mail addressed to the offender; and

(b) Through the internal mail system of the Department, all second-class mail and third-class mail addressed to the offender.

2. When an offender is released from the custody of the Department, the institution or facility that had custody of the offender shall:

(a) If the former offender:

(1) Provides a forwarding address, forward to the former offender all first-class mail addressed to the former offender for a period of 30 days after the date of release; or

(2) Does not provide a forwarding address, return to the sender all first-class mail addressed to the former offender; and

(b) Return to the sender any mail addressed to the former offender that is not first-class mail, including publications.

3. If an offender is temporarily confined in a hospital or jail outside of the institution or facility that has custody of the offender:

(a) For first-class mail, if the institution or facility expects the offender to be confined at the hospital or jail for:

(1) Not more than 1 business day, the institution or facility shall hold any first-class mail addressed to the offender for not more than 1 business day.

(2) More than 1 business day and:

(I) The hospital or jail is located in the city or town in which the institution or facility is located, the institution or facility shall forward any first-class mail addressed to the offender to the hospital or jail or deliver to the hospital or jail any first-class mail addressed to the offender; or

(II) The hospital or jail is not located in the city or town in which the institution or facility is located, the institution or facility shall forward to the hospital or jail any first-class mail addressed to the offender.

(b) For any mail other than first-class mail, including publications addressed to the offender, the institution or facility shall hold the mail until the offender returns to the custody of the institution or facility.

Sec. 18. *1. Except as otherwise provided by subsection 2, an offender may only correspond with an offender in another institution or facility if the other offender is an immediate family member of the offender. For purposes of this section, an “immediate family member” does not include a common law relationship.*

2. An offender may only engage in legal correspondence with another offender in an institution or facility:

(a) Pursuant to a court order; or

(b) If the other offender is a co-defendant or co-plaintiff in any active litigation of a post-conviction matter.

3. To correspond with another offender as permitted pursuant to subsection 1 or 2, an offender must obtain:

(a) A request form for such correspondence from his or her caseworker and return the form to the caseworker upon completion. The caseworker shall forward the completed request form to the warden of the institution or manager of the facility, as applicable.

(b) The approval of both the warden of the institution or manager of the facility, as applicable, which has custody of the offender and the warden of the institution or manager of the facility, as applicable, which has custody of the other offender with which the offender is attempting to correspond.

4. If a warden or manager, as applicable, approves a request received pursuant to subsection 3, the warden or manager, as applicable, shall indicate the approval on the form and forward the form to the warden of the institution or the manager of the facility, as applicable, of the other offender to receive the correspondence from the initiating offender. If the warden of the receiving institution or the manager of the receiving facility also approves the request, the offenders shall be permitted to correspond and will not be required to reobtain approval if one or both offenders transfer to a different institution or facility.

5. The institution or facility of the offender that requested correspondence pursuant to this section shall place the original request form in the file of the offender, the receiving institution or facility shall place a copy of the request form in the file of the offender to receive correspondence from the requesting offender and a copy of the request form must be placed in

the permanent record of offender correspondence maintained by the mailroom of each institution or facility pursuant to section 28 of this regulation. If the warden or manager of either institution or facility denies a request for correspondence pursuant to this section, he or she shall state on the form the reasons for the disapproval.

6. Correspondence between offenders that is authorized pursuant to this section must be sent through the United States Postal Service.

Sec. 19. *1. A person who wishes to send a one-way communication to an offender may use electronic mail.*

2. An institution or facility shall authorize members of the staff to process electronic mail addressed to an offender that is received by the institution or facility. Only staff authorized pursuant to this subsection may process such electronic mail.

3. If an institution or facility receives electronic mail addressed to an offender, the staff of authorized by the institution or facility pursuant to subsection 2 shall:

(a) Open and inspect the electronic mail for any unauthorized content pursuant to section 23 of this regulation; and

(b) If unauthorized content is detected, reject the electronic mail and notify the offender to which the electronic mail was addressed in accordance with the requirements of section 25 of this regulation.

Sec. 20. *1. An offender may order and receive publications from a vendor or publisher which is verifiable and approved by the institution or facility.*

2. Notwithstanding the requirements of section 8 of this regulation, and subject to safety and security inspections as appropriate in the discretion of the Department, an institution or facility shall not electronically deliver to an offender any publications addressed to the

offender. An institution or facility shall instead provide to an offender publications addressed to the offender as received from a vendor or publisher which is verifiable and approved by the institution or facility.

3. A publication addressed to an offender must be:

(a) Paperback; and

(b) Not contain any spiral bindings or metal.

4. Any publications addressed to an offender must not contain any content which is unauthorized pursuant to section 23 of this regulation. Each institution and facility shall establish a publication review committee to review any publications addressed to an offender that the mailroom suspects contains content which is unauthorized pursuant to section 23 of this regulation. The publication review committee must consist of not less than three members, who must include:

(a) One member appointed by the warden or manager; and

(b) An associate warden or supervisor of a facility, or someone of a higher rank than an associate warden or a supervisor of a facility.

5. If an institution or facility receives a publication addressed to an offender, the mailroom of the institution or facility shall review the publication for content which is unauthorized pursuant to section 23 of this regulation. If the mailroom suspects that the publication contains any such unauthorized content, the mailroom shall forward the publication to the publication review committee established pursuant to subsection 4 to determine whether it should be delivered to the offender.

6. The publication review committee established pursuant to subsection 4 shall convene not more than 7 days after a publication has been referred to the publication review committee

pursuant to subsection 5. If the publication review committee determines that the referred publication does not contain content which is unauthorized pursuant to section 23 of this regulation, the mailroom of the institution or facility shall deliver the publication to the offender.

7. The mailroom of an institution or facility shall indicate on the inside cover of a publication the name and identification number of the offender to which the publication is addressed before delivering the publication to an offender.

8. An institution or facility shall not reject a publication addressed to an offender solely for the reason that it contains content which is religious, political, social, sexual, unpopular, repugnant or which does not agree with commonly held beliefs and practices.

Sec. 21. *1. An offender may order and receive correspondence courses.*

2. Any correspondence course ordered by an offender must be prepaid by the offender.

3. An offender is not eligible to earn merit credits toward shortening his or her sentence for taking a correspondence course ordered and received by an offender pursuant to this section, unless otherwise approved by the Director.

4. An offender may possess compact discs and written materials which are included as part of a correspondence course if such materials are in compliance with regulations adopted by the Director regarding the personal property of an offender.

Sec. 22. *1. If a social security check or other supplemental security check addressed to an offender is mailed to an institution or facility, the institution or facility shall return the check to the address of the Social Security Administration indicated on the envelope.*

2. If a check from the Internal Revenue Service addressed to an offender is mailed to an institution or facility, the institution or facility shall forward the check to a designated person

in the office for offender banking services of the Department, who will contact the Internal Revenue Service for approval before depositing the check into the account of the offender.

3. An institution or facility shall give any mail addressed to any program at the institution or facility to the staff supervisor of that program and only the staff supervisor may open such mail.

Sec. 23. *1. Each institution and facility shall establish a process for reviewing mail received by the institution or facility which the institution or facility suspects contains any content set forth in subsection 2 that is unauthorized by the Department.*

2. An institution or facility may not deliver any incoming mail addressed to an offender if the mail contains:

(a) Any content or matter that is detrimental to the security, good order or discipline of the institution or facility or that facilitate criminal activity, which includes, without limitation:

(1) Depictions or descriptions of procedures for the construction or use of weapons, ammunition, bombs or incendiary devices;

(2) Depictions which describe or encourage methods of escape from institutions or facilities, or which contain blueprints, drawings or similar descriptions of institutions or facilities;

(3) Depictions or descriptions of procedures for the brewing of alcoholic beverages or the manufacture of controlled substances or dangerous drugs;

(4) Language which is written in code;

(5) Descriptions or encouragement of activities which may lead to the use of violence;

(6) Promotion of hate groups or gang activity;

(7) Depictions or encouragement of criminal activity;

- (8) Instructions in the commission of criminal activity;*
- (9) Realistic pictures of guns or knives;*
- (10) Material which is suitable for use in making a facsimile of a weapon;*
- (11) Sexually explicit material which, by its nature, poses a threat to the security, good order, rehabilitation or discipline of the institution or which facilitates criminal activity;*
- (12) Instructions relating to tattooing;*
- (13) Promotion of terrorism, racism or hatred of religion or national origin;*
- (14) Any content that creates an unsafe environment for the offenders or staff of the institution or facility;*
- (15) Descriptions of tactics for riots or hostage situations utilized by the military or police;*
- (16) Descriptions of any drills utilized by the Department of Homeland Security;*
- (17) Information related to guides on survival; and*
- (18) Any foreign substance which was previously wet or is found to contain controlled substances or dangerous drugs;*
- (b) Information related to business operations, unless the information is necessary to protect a property interest of the offender that vested before incarceration and has been approved by the warden or manager or his or her designee;*
- (c) A solicitation or advertisement, including, without limitation, a publication not paid for in advance by the offender or which was not sent from a publisher or vendor which is verifiable to the institution or facility; or*
- (d) A publication of which the purchase is contingent on a future purchase or order.*

Sec. 24. 1. Except as otherwise provided in section 15 of this regulation, if an institution or facility has a reasonable suspicion that any incoming mail addressed to an offender or any outgoing mail from an offender, except for legal mail and privileged communication, contains unauthorized content pursuant to section 23 of this regulation, the designated staff of an institution or facility may monitor the incoming mail addressed to the offender or the outgoing mail from the offender.

2. Except as otherwise provided in subsection 3, before the designated staff of an institution or facility may monitor mail pursuant to subsection 1, the staff must first submit a request for monitoring in writing to the warden or manager of the institution or facility, as applicable, or his or her designee which must state:

(a) The reason for monitoring the incoming mail addressed to the offender or the outgoing mail from the offender; and

(b) The approximate length of time that the staff expects to monitor the mail.

3. If the designated staff of an institution or facility demonstrates exigent circumstances that require monitoring the incoming mail addressed to the offender or outgoing mail from an offender, the warden or manager of the institution or facility, as applicable, may verbally authorize the temporary monitoring of the incoming mail or the outgoing mail until the staff can submit a written request pursuant to subsection 2.

4. If mail is being monitored by the staff of an institution or facility pursuant to subsection 1, the mailroom of the institution or facility:

(a) Shall maintain a record of all monitoring activity using a form approved by the Department, which must include:

(1) The full name and identification number of the offender;

- (2) The name of the official who authorized the monitoring;*
 - (3) The dates on which monitoring started and ended; and*
 - (4) The name or names of the staff designated to conduct the monitoring; and*
 - (b) May make copies of monitored mail.*
- 5. The mailroom of institution or facility may delay the delivery of mail addressed to an offender which is being monitored for not more than 24 hours after receiving the mail. If a delay in the delivery of monitored mail exceeds 24 hours, the mailroom shall comply with the requirements of section 25 of this regulation for rejecting mail.*

Sec. 25. 1. If an institution or facility rejects any mail addressed to an offender for any reason, the institution or facility shall:

- (a) Provide written notice to the offender that:*
 - (1) Describes the mail which was rejected;*
 - (2) States the reason the mail was rejected;*
 - (3) Notifies the offender of the right of the offender to appeal through the grievance process set forth in section 27 of this regulation; and*
 - (4) Notifies the sender of the mail of the right to appeal the rejection through the appeal process set forth in section 26 of this regulation.*
- (b) Provide a copy of the written notice provided to the offender pursuant to this subsection to the sender of the mail, unless the sender is another offender and the correspondence had not been authorized pursuant to section 18 of this regulation.*
- (c) Include a copy of the written notice provided to the offender pursuant to this subsection in the file of the offender.*

(d) Forward any money, stamps or other negotiable instruments which are rejected and not delivered to an offender to the office for offender banking services of the Department for placement in a general fund of the Department for the welfare of offenders. The institution or facility shall obtain a receipt from the Department for any such items which are forwarded and attach the receipt to a form approved by the Department.

(e) If the mail is contraband such as controlled substances or dangerous drugs, the institution or facility shall follow the procedures approved by the Department for the investigation and preservation of crime scenes.

2. When an institution or facility disposes of a rejected item of mail, the institution or facility shall witness the disposal and record the date and time of the disposal, the method of disposal and the reason for disposal on the form approved by the Department.

3. The institution or facility shall maintain a record of all mail that is rejected using a form approved by the Department.

Sec. 26. *1. The sender of mail to an offender which has been rejected may appeal the rejection by mailing a written appeal addressed to the warden or manager of the institution or facility, as applicable, not later than 20 days after the date on the notice of rejection sent pursuant to subparagraph (4) of paragraph (a) of subsection 1 of section 25 of this regulation.*

2. If the sender of mail to an offender submits an appeal of the rejection pursuant to subsection 1:

(a) The warden or manager of the institution or facility, as applicable, shall notify the mailroom upon receipt of the appeal. The mailroom shall maintain possession of the rejected mail until the appeal process is completed.

(b) An associate warden or associate manager of the institution or facility, as applicable, who was not involved in the initial decision to reject the item of mail, shall:

- (1) Review the appeal;*
- (2) Make a final determination on whether the mail was properly rejected; and*
- (3) Respond to the sender of the appeal notifying the sender of his or her final determination.*

3. Upon completion of the appeal process pursuant to subsection 2, the associate warden or associate manager shall notify the mailroom of the outcome of the appeal. If the appeal is:

- (a) Upheld, the mailroom shall promptly deliver the formerly rejected mail to the offender.*
- (b) Denied, the mailroom of the institution or facility shall dispose of the rejected item.*

4. The institution or facility shall include in the file of the offender the disposition of the appeal process on a form approved by the Department.

Sec. 27. *1. If an offender receives a notice of rejection of mail addressed to the offender pursuant to subsection 1 of section 25 of this regulation, the offender may:*

(a) Inform the mailroom of the institution or facility how the offender chooses to dispose of the rejected mail, which may be by:

- (1) Returning the mail to the sender;*
- (2) Sending the mail to a third person at the expense of the offender; or*
- (3) Destroying the mail; or*
- (b) Submit a grievance of the rejection pursuant to a grievance process approved by the Department.*

2. If the offender submits a grievance pursuant to subsection 1, the institution or facility shall notify the mailroom of the institution or facility upon receipt of the grievance. The

mailroom shall maintain possession of the rejected mail until the grievance process is completed.

3. Upon completion of the grievance process, the institution or facility shall notify the mailroom of the institution or facility of the outcome of the grievance. If the grievance is:

(a) Upheld, the mailroom shall promptly deliver the formerly rejected mail to the offender;
or

(b) Denied, the offender shall, not more than 10 days after the date of the denial of the grievance, inform the mailroom how to dispose of the rejected item pursuant to subsection 1.

4. The institution or facility shall include in the file of the offender the disposition of the grievance on a form approved by the Department.

5. If an offender chooses to dispose of rejected mail pursuant to subsection 1 by sending the mail to a third person at the expense of the offender and the item is valued at more than \$10, the institution or facility shall send the item to the third person by certified mail. If the offender does not have access to his or her account to pay for sending the mail, the offender shall submit on a form approved by the Department a request to withdraw from the account belonging to the offender to be sent to the Department.

Sec. 28. 1. Except as otherwise provided in subsection 4 of section 12 of this regulation, each institution and facility shall maintain a record of all incoming and outgoing registered mail, insured mail, special mail or certified mail using a form approved by the Department. The record must indicate for each piece of mail:

- (a) The date the mail was received by the mailroom of the institution or facility;*
- (b) The name of the offender or offenders associated with the mail;*
- (c) The name and address of the sender of the mail; and*

(d) The disposition of the mail.

2. Using a form approved by the Department, each institution and facility shall maintain a separate record of all:

(a) Correspondence that is authorized between offenders pursuant to section 18 of this regulation;

(b) Mail that contains unauthorized items or content pursuant to section 23 of this regulation;

(c) Mail that is monitored by the institution or facility pursuant to section 24 of this regulation; and

(d) Mail that is rejected by the institution or facility pursuant to section 25 of this regulation.

3. At the end of each month, the institution or facility shall:

(a) Convert the records maintained pursuant to subsections 1 and 2 into a portable document format and permanently retain the record in the digital storage maintained by the mailroom of the institution or facility; and

(b) Maintain accessibility of these records for review by the administration of the institution or facility, investigators and auditors.