

240-RICR-00-00-1

TITLE 240 – DEPARTMENT OF CORRECTIONS

CHAPTER 00 – Administration

SUBCHAPTER 00- N/A

PART 1 – Petition for Promulgation of Rules

1.1 Purpose

- A. The purpose of this Regulation is to prescribe the form of a Petition for Promulgation of Rules pursuant to R.I. Gen. Laws § 42-35-6 and the procedure for its submission, consideration, and disposition.

1.2 Authority

- A. This Regulation is promulgated pursuant to the authority granted in R.I. Gen. Laws § 42-35-6.

1.3 Definitions

- A. The following definitions shall apply to this Regulation:
1. "Department" means the Rhode Island Department of Corrections.
 2. "Petition" means a request for the Promulgation of a Rule.
 3. "Petitioner" means a person requesting the promulgation of a Rule.
 4. "Promulgate" as defined by R.I. Gen. Laws § 42-35-1 (16).
 5. "Rule" as defined by R.I. Gen. Laws § 42-35-1 (19). The term is used interchangeably with the term "Regulation." The term does not include:
 - a. A statement that concerns only the internal management of an agency and that does not affect private rights or procedures available to the public;
 - b. An intergovernmental or interagency memorandum, directive, or communication that does not affect private rights or procedures available to the public;
 - c. An opinion of the attorney general, or an opinion of the ethics commission pursuant to § 36-14-11;

- d. A statement that establishes criteria or guidelines to be used by the staff of an agency in performing audits, investigations, or inspections, settling commercial disputes, negotiating commercial arrangements, or defending, prosecuting, or settling cases, if disclosure of the criteria or guidelines would enable persons violating the law to avoid detection, facilitate disregard of requirements imposed by law, or give an improper advantage to persons that are in an adverse position to the state;
- e. A form developed by an agency to implement or interpret agency law or policy; or
- f. A guidance document; or,
- g. Any policies or procedures created by the director pursuant to R.I. Gen. Law 42-56-10, for the internal management of the agency.

1.4 Request for the Promulgation of a Rule

- A. A request to Promulgate a Rule must be in writing and include the following information:
 - 1. The name and address of the Petitioner;
 - 2. A plain statement identifying the Rule or proposed new Rule at issue;
 - 3. A detailed statement of all facts relied upon by the Petitioner; and
 - 4. A plain statement requesting the Promulgation of a Rule, and further indicating whether Petitioner seeks a new Rule or the amendment or repeal of an existing Rule.
 - a. In the case of a request for the repeal of an existing Rule, the Petitioner shall identify the Rule by title and/or Rhode Island Code of regulations (RICR) citation.
 - b. In the case of a request for an amendment to an existing Rule, the Petitioner must identify with specificity any proposed additions, deletions, or other amendments. New proposed language must be clearly marked using underline formatting for proposed insertions, and strikethrough formatting for proposed deletions.
 - 5. A statement identifying the statutory legal authority under which the Office has the power to promulgate, amend, or repeal the requested Rule, including citation to the relevant statute, regulation, or provision of law.

- B. A request for the Promulgation of a Rule must be submitted to: Rhode Island Department of Corrections, Attn: Policy & Auditing Unit, 18 Wilma Schesler Lane, Cranston, RI 02920 via mail, overnight carrier, or in hand delivery to a representative of the Department at the foregoing address, or with a copy sent via email to DOC.Policy@doc.ri.gov. Requests can also be submitted directly via email. The Department encourages individuals who choose to submit petitions by mail to consider using delivery methods that provide confirmation of receipt, such as certified mail or return receipt service, to help ensure successful delivery.

1.5 Consideration and Disposition of Request for the Promulgation of a Rule

- A. The Department shall promptly consider and respond to the request for the Promulgation of a Rule as provided in R.I. Gen. Laws § 42-35-6.