

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."

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.

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, with a copy sent via email to DOC.Policy@doc.ri.gov. Requests can also be submitted directly via email.

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.