

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

SENATE BILL 1093

AN ACT

AMENDING SECTIONS 31-254, 31-281, 31-282, 31-284, 31-285, 31-286 AND 31-287,
ARIZONA REVISED STATUTES; REPEALING SECTION 31-283, ARIZONA REVISED STATUTES;
RELATING TO PRISONERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 31-254, Arizona Revised Statutes, is amended to
3 read:

4 31-254. Compensation for labor performed: price of prison made
5 articles: distribution of earnings: workers'
6 compensation

7 A. Each prisoner who is engaged in productive work in any state prison
8 or institution under the jurisdiction of the department or a private prison
9 under contract with the department as a part of the prison industries program
10 shall receive for the prisoner's work the compensation that the director
11 determines. The compensation shall be in accordance with a graduated
12 schedule based on quantity and quality of work performed and skill required
13 for its performance but shall not exceed fifty cents per hour unless the
14 prisoner is employed in an Arizona correctional industries program pursuant
15 to title 41, chapter 11, article 3. If the director enters into a contract
16 pursuant to section 41-1624.01 with a private person, firm, corporation or
17 association the director shall prescribe prisoner compensation of at least
18 two dollars per hour. Compensation shall not be paid to prisoners for
19 attendance at educational training or treatment programs, but compensation
20 may be paid for work training programs.

21 B. Whenever a price is fixed for any article, material, supply or
22 service to be produced, manufactured, supplied or performed in connection
23 with the industries program of the department, the compensation paid to
24 prisoners shall be included as an item of cost in fixing the price.

25 C. The compensation of prisoners shall be paid out of the fund
26 established pursuant to section 41-1624 or out of funds appropriated for that
27 purpose by the legislature when required.

28 D. If the compensation due a prisoner is less than two dollars per
29 hour, mandatory deductions shall be taken for the following purposes in the
30 order specified:

31 1. Twenty-five per cent of the prisoner's gross wages until the
32 prisoner's dedicated discharge account registers a fifty dollar balance.

33 2. If the prisoner initiates a lawsuit, twenty per cent from all
34 deposits to the prisoner's spendable account until the court fees are
35 collected in full.

36 3. If the prisoner was not convicted of a violation of title 28,
37 chapter 4, five per cent of the prisoner's GROSS wages shall be used
38 exclusively to fund the transition ~~offices~~ PROGRAM established by section
39 ~~31-283~~ 31-281. All monies collected under this paragraph shall be deposited,
40 pursuant to sections 35-146 and 35-147, in the transition ~~office~~ PROGRAM fund
41 established by section 31-284.

42 4. Thirty per cent of the prisoner's wages for court ordered dependent
43 care.

1 E. If the compensation due a prisoner equals or exceeds two dollars
2 per hour, the director shall credit to the prisoner's spendable account
3 established pursuant to section 31-230 an amount equaling fifty cents per
4 hour for each hour compensation is due plus ten per cent of the adjusted
5 balance remaining after the mandatory deductions are taken. Mandatory
6 deductions shall be taken for the following purposes in the order specified:

7 1. Twenty-five per cent of the prisoner's gross wages until the
8 prisoner's dedicated discharge account registers a fifty dollar balance.

9 2. If the prisoner initiates a lawsuit, twenty per cent from all
10 deposits to the prisoner's spendable account until the court costs are
11 collected in full.

12 3. IF THE PRISONER WAS NOT CONVICTED OF A VIOLATION OF TITLE 28,
13 CHAPTER 4, FIVE PER CENT OF THE PRISONER'S GROSS WAGES SHALL BE USED
14 EXCLUSIVELY TO FUND THE TRANSITION PROGRAM ESTABLISHED BY SECTION 31-281.
15 ALL MONIES COLLECTED UNDER THIS PARAGRAPH SHALL BE DEPOSITED, PURSUANT TO
16 SECTIONS 35-146 AND 35-147, IN THE TRANSITION PROGRAM FUND ESTABLISHED BY
17 SECTION 31-284.

18 ~~3-~~ 4. Thirty per cent of the prisoner's wages for the room and board
19 costs of maintaining the prisoner at the facility.

20 ~~4-~~ 5. Thirty per cent of the prisoner's wages for court ordered
21 dependent care.

22 F. After the mandatory deductions and obligations are paid by the
23 prisoner, the remaining monies shall be credited to the prisoner's retention
24 account established by the director pursuant to section 31-261, subsection B.

25 G. A prisoner may gain access to the prisoner's trust fund or
26 retention account for emergency purposes at the sole discretion of the
27 director.

28 H. Any monies not expended from the contributing prisoner's trust fund
29 or retention account for the purposes prescribed in subsection E of this
30 section shall be paid to the prisoner on release pursuant to section 31-228.

31 I. If any prisoner escapes, the director shall determine what portion
32 of the prisoner's earnings shall be forfeited, and the forfeited amount shall
33 be deposited in the special services fund established by section 41-1604.03.

34 J. This section is not intended to restore, in whole or in part, the
35 civil rights of any prisoner. No prisoner who is compensated under this
36 section shall be considered to be an employee of or employed by this state,
37 the department or any private person, firm, corporation or association
38 engaged in a contract pursuant to section 41-1624.01, and the prisoner does
39 not come within any of the provisions of the workers' compensation provided
40 in title 23, chapter 6 and is not entitled to any benefits under title 23,
41 chapter 6 whether on behalf of the prisoner or of any other person. This
42 subsection does not apply to prisoners who are employed pursuant to a
43 federally certified prison industry enhancement program established pursuant
44 to section 41-1674.

1 Sec. 2. Section 31-281, Arizona Revised Statutes, is amended to read:
2 31-281. Transition program; report

3 A. The department shall establish a transition program. The
4 department shall ADMINISTER THE TRANSITION PROGRAM AND contract with ~~any~~
5 private or nonprofit ~~entity~~ ENTITIES to provide eligible inmates with
6 transition services and shall procure transition services pursuant to title
7 41, chapter 23.

8 B. The director shall adopt rules to implement this article. The
9 rules shall include:

10 1. Eligibility criteria for receiving ~~the~~ A contracted entity's
11 transition services. To be eligible, at a minimum, an inmate shall:

12 (a) ~~Be convicted of a violation of title 13, chapter 34, except that~~
13 ~~an inmate who was~~ NOT HAVE BEEN convicted of a violation of title 13, chapter
14 14 or 17 or ~~an offense involving death or physical injury or the use of a~~
15 ~~deadly weapon or dangerous instrument is not eligible to participate in the~~
16 ~~transition program~~ TITLE 28, CHAPTER 4.

17 (b) Be classified by the state department of corrections as a low risk
18 to the community.

19 (c) Not have been convicted of a violent crime as defined in section
20 13-901.03.

21 (d) Have a nonviolent risk score as determined by the department.

22 (e) Not have any felony detainers.

23 (f) Agree in writing to provide specific information after the inmate
24 is released. The department shall use the information to prepare the report
25 prescribed by subsection D, paragraph 3 of this section.

26 (g) Have made satisfactory progress on the inmate's individualized
27 corrections plan as determined by the department.

28 (h) Have maintained civil behavior while incarcerated as determined by
29 the department.

30 (i) Be current on restitution payments pursuant to section 31-254.

31 (j) Have a need and ability to benefit from the program as determined
32 by the department.

33 2. A requirement that ~~the~~ EACH contracted entity train mentors or
34 certify that mentors are trained.

35 3. The services that may be offered to an inmate.

36 4. The criteria for inmates to participate in a three month early
37 release program. Inmates are not required to receive an early release.

38 5. A requirement that an inmate may be released pursuant to this
39 article only after the victim has been provided notice and an opportunity to
40 be heard. The department shall provide notice to a victim who has provided a
41 current address or other contact information. The notice shall inform the
42 victim of the opportunity to be heard on the early release. Any objection to
43 the inmate's early release must be made within twenty days after the
44 department has mailed the notice to the victim.

1 C. In awarding contracts under this section the department shall
2 comply with section 41-3751.

3 D. The department shall:

4 1. Conduct an annual study to determine the recidivism rate of ~~persons~~
5 ~~INMATES~~ who receive ~~the~~ A contracted entity's services pursuant to this
6 article.

7 2. Evaluate the inmate and ~~shall~~ provide the information to the
8 contracted entity. ~~The contracted entity shall make the final determination~~
9 ~~of program eligibility.~~

10 3. Submit a written report to the governor, the president of the
11 senate and the speaker of the house of representatives on or before July 31
12 of each year and provide a copy of this report to the secretary of state and
13 the director of the Arizona state library, archives and public records. The
14 report shall contain the following information:

15 (a) The recidivism rate of ~~persons~~ ~~INMATES~~ who receive services
16 pursuant to this article.

17 (b) The number of ~~persons~~ ~~INMATES~~ who received services pursuant to
18 this article.

19 (c) The number of ~~persons~~ ~~INMATES~~ who were not provided services
20 pursuant to this article and who were on a list waiting to receive services.

21 (d) The types of services provided.

22 (e) The number of ~~persons~~ ~~INMATES~~ who received each type of service
23 provided.

24 Sec. 3. Section 31-282, Arizona Revised Statutes, is amended to read:

25 ~~31-282.~~ Contracted entities; duties; services; definition

26 A. ~~The~~ EACH entity that contracts with the department to provide
27 transition services pursuant to this article shall coordinate all services
28 provided by the entity with the department.

29 B. ~~The~~ EACH contracted entity shall establish a network that may
30 include community and faith-based organizations to make mentoring services
31 and assistance available to eligible persons before and after eligible
32 persons are released from confinement up to each eligible person's community
33 supervision end date. A contracted entity may provide the following services
34 OR ASSISTANCE to eligible persons:

35 1. ~~Assistance in~~ Placing the person in employment, ~~EMPLOYMENT~~
36 ~~ASSISTANCE AND CAREER COUNSELING.~~

37 ~~2. Assistance in placing the person in job training.~~

38 2. BASIC ACADEMIC EDUCATION, GENERAL EQUIVALENCY DIPLOMA PREPARATION
39 AND POSTSECONDARY EDUCATION JOB TRAINING.

40 3. ~~Assistance with finding other~~ Transitional needs, including
41 housing, food or treatment services.

42 4. Assistance in finding health insurance coverage for the person and,
43 if applicable, medical assistance, including assistance in finding necessary
44 medication.

1 5. Mentoring services from the network established pursuant to this
2 subsection.

3 C. ~~The~~ EACH contracted entity shall coordinate with the department to
4 assist in placing eligible persons in appropriate training programs that may
5 include basic or continuing education courses, anger management,
6 communication skills, drug treatment, alcohol treatment, character education
7 or family reunification.

8 D. EACH CONTRACTED ENTITY SHALL PROVIDE LIAISON SERVICES TO THE STATE
9 DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF HEALTH SERVICES, THE GOVERNOR'S
10 OFFICE, COUNTY PROBATION DEPARTMENTS AND COMMUNITY AND FAITH-BASED
11 ORGANIZATIONS.

12 ~~D.~~ E. For the purposes of this section, "eligible person" means
13 ~~a person~~ AN INMATE who is eligible to receive transition services based on
14 the ~~person's~~ INMATE'S risk and need as determined by the director pursuant to
15 section 31-281.

16 Sec. 4. Repeal

17 Section 31-283, Arizona Revised Statutes, is repealed.

18 Sec. 5. Section 31-284, Arizona Revised Statutes, is amended to read:

19 31-284. Transition program fund

20 The transition ~~office~~ PROGRAM fund is established consisting of the
21 monies collected pursuant to section 31-254, subsection D, paragraph 3 AND
22 SUBSECTION E, PARAGRAPH 3. The department shall administer the fund to pay
23 for costs related to the ADMINISTRATION OF THE transition ~~office~~ PROGRAM AND
24 FOR TRANSITION PROGRAM SERVICES. Monies in the fund are subject to
25 legislative appropriation and are exempt from the provisions of section
26 35-190 relating to lapsing of appropriations.

27 Sec. 6. Section 31-285, Arizona Revised Statutes, is amended to read:

28 31-285. Transition program release; report

29 A. An inmate who enters a transition program pursuant to this article
30 shall be released from confinement three months earlier than the inmate's
31 earliest release date based on the inmate's risk and need and rules adopted
32 pursuant to section 31-281. An inmate who the director determines has
33 participated in the program but who is not low risk shall not be released
34 from confinement earlier than the inmate's earliest release date.

35 B. The department shall prepare a quarterly report that details the
36 cost reductions to the department that are directed to the transition program
37 pursuant to this article and the number of participants who did not receive
38 an early release under the transition program. The reduction rate shall
39 equal at least seventeen dollars per inmate per day. The department shall
40 submit a copy of its report to the governor, the president of the senate and
41 the speaker of the house of representatives and shall provide a copy of this
42 report to the director of the joint legislative budget committee, the
43 secretary of state and the director of the Arizona state library, archives
44 and public records.

1 C. The state treasurer shall deposit any cost reductions that are
2 identified pursuant to subsection B of this section in the transition ~~program~~
3 ~~drug treatment~~ SERVICES fund established by section 31-286 for the purpose of
4 providing transitional services.

5 Sec. 7. Section 31-286, Arizona Revised Statutes, is amended to read:

6 31-286. Transition services fund

7 A. The transition ~~program drug treatment~~ SERVICES fund is established
8 consisting of monies deposited pursuant to section 31-285, subsection C.

9 B. The department shall administer the fund and shall distribute fund
10 monies to entities that provide transition services to nonviolent ~~drug~~
11 offenders. Monies in the fund are subject to legislative appropriation and
12 are exempt from the provisions of section 35-190 relating to lapsing of
13 appropriations.

14 Sec. 8. Section 31-287, Arizona Revised Statutes, is amended to read:

15 31-287. Program termination

16 The TRANSITION program established by this article ends on July 1, ~~2013~~
17 2018 pursuant to section 41-3102.