

REFERENCE TITLE: prisoners; transition services

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SB 1018

Introduced by
Senator Gray

AN ACT

AMENDING SECTIONS 31-281, 31-284 AND 31-285, ARIZONA REVISED STATUTES;
REPEALING SECTION 31-286, 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 31-281, Arizona Revised Statutes, is amended to
3 read:

4 31-281. Transition program: report

5 A. The department shall establish a transition program. ~~The~~
6 ~~department shall administer the transition program and contract with private~~
7 ~~or nonprofit entities~~ to provide eligible inmates with transition services.
8 ~~and~~ IF THE DEPARTMENT CONTRACTS WITH PRIVATE OR NONPROFIT ENTITIES TO
9 PROVIDE TRANSITION SERVICES, THE DEPARTMENT shall procure transition services
10 pursuant to title 41, chapter 23.

11 B. The director shall adopt rules to implement this article. The
12 rules shall include:

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

15 (a) Not have been convicted of a violation of title 13, chapter 14 or
16 17 or 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-~~ 2 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 each contracted entity train mentors or certify~~
34 ~~that mentors are trained.~~

35 ~~3-~~ 2. The services that may be offered to an inmate.

36 ~~4-~~ 3. 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-~~ 4. 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 inmates
5 who receive ~~a contracted entity's~~ services pursuant to this article.

6 ~~2. Evaluate the inmate and provide the information to the contracted~~
7 ~~entity.~~

8 ~~3.~~ 2. Submit a written report to the governor, the president of the
9 senate and the speaker of the house of representatives on or before July 31
10 of each year and provide a copy of this report to the secretary of state and
11 the director of the Arizona state library, archives and public records. The
12 report shall contain the following information:

13 (a) The recidivism rate of inmates who receive services pursuant to
14 this article.

15 (b) The number of inmates who received services pursuant to this
16 article.

17 (c) The number of inmates who were not provided services pursuant to
18 this article and who were on a list waiting to receive services.

19 (d) The types of services provided.

20 (e) The number of inmates who received each type of service provided.

21 Sec. 2. Section 31-284, Arizona Revised Statutes, is amended to read:

22 31-284. Transition program fund

23 The transition program fund is established consisting of the monies
24 collected pursuant to section 31-254, subsection D, paragraph 3 and
25 subsection E, paragraph 3 AND SECTION 31-285, SUBSECTION C. The department
26 shall administer the fund to pay for any costs related to the administration
27 of the transition program and for transition program services. Monies in the
28 fund are subject to legislative appropriation and are exempt from the
29 provisions of section 35-190 relating to lapsing of appropriations.

30 Sec. 3. Section 31-285, Arizona Revised Statutes, is amended to read:

31 31-285. Transition program release: report

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

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

1 secretary of state and the director of the Arizona state library, archives
2 and public records.

3 C. The state treasurer shall deposit any cost reductions that are
4 identified pursuant to subsection B of this section in the transition
5 ~~services~~ PROGRAM fund established by section ~~31-286~~ 31-284 for the purpose of
6 providing transitional services.

7 Sec. 4. Repeal

8 Section 31-286, Arizona Revised Statutes, is repealed.

9 Sec. 5. Transfer of monies

10 On the effective date of this act, any monies remaining unexpended and
11 unencumbered in the transition services fund are transferred to the
12 transition program fund established by section 31-284, Arizona Revised
13 Statutes, as amended by this act.

14 Sec. 6. Retroactivity

15 This act is effective retroactively to from and after June 30, 2011.