

REFERENCE TITLE: criminal justice; budget reconciliation; 2016-2017.

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

# HB 2701

Introduced by  
Representative Montenegro (with permission of Committee on Rules)

## AN ACT

AMENDING SECTIONS 12-284.03, 13-811, 31-281, 31-287, 41-178, 41-191.09, 41-1604.07, 41-1641, 41-2402 AND 41-2405, ARIZONA REVISED STATUTES; AMENDING LAWS 2014, CHAPTER 18, SECTION 131; AMENDING LAWS 2015, CHAPTER 17, SECTION 11; RELATING TO CRIMINAL JUSTICE BUDGET RECONCILIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 12-284.03, Arizona Revised Statutes, is amended to  
3 read:

4 12-284.03. Distribution of fees

5 A. Excluding the monies that are kept by the court pursuant to  
6 subsection B of this section, the county treasurer shall transmit, distribute  
7 or deposit all monies received from the clerk of the superior court pursuant  
8 to section 12-284, subsection K as follows:

9 1. 1.31 ~~per cent~~ PERCENT to the state treasurer for deposit in the  
10 ~~drug and gang enforcement account~~ RESOURCE CENTER FUND established by ~~section~~  
11 ~~41-2402~~ AND for the purposes of section 41-2402, subsection G.

12 2. 8.87 ~~per cent~~ PERCENT to the state treasurer for deposit in the  
13 domestic violence shelter fund established by section 36-3002.

14 3. 1.93 ~~per cent~~ PERCENT to the state treasurer for deposit in the  
15 child abuse prevention fund established by section 8-550.01.

16 4. In the county law library fund established by section 12-305,  
17 either:

18 (a) 7.62 ~~per cent~~ PERCENT if the county treasurer is serving in a  
19 county with a population of more than five hundred thousand persons ~~according~~  
20 ~~to the most recent United States decennial census.~~

21 (b) 15.30 ~~per cent~~ PERCENT if the county treasurer is serving in a  
22 county with a population of five hundred thousand persons or less ~~according~~  
23 ~~to the most recent United States decennial census.~~

24 5. 0.35 ~~per cent~~ PERCENT to the state treasurer for deposit in the  
25 alternative dispute resolution fund established by section 12-135.

26 6. To the elected officials' retirement plan fund established by  
27 section 38-802, either of the following percentages, which shall be  
28 distributed to the fund pursuant to section 38-810:

29 (a) 23.79 ~~per cent~~ PERCENT if the county treasurer is serving in a  
30 county with a population of more than five hundred thousand persons ~~according~~  
31 ~~to the most recent United States decennial census.~~

32 (b) 15.30 ~~per cent~~ PERCENT if the county treasurer is serving in a  
33 county with a population of five hundred thousand persons or less ~~according~~  
34 ~~to the most recent United States decennial census.~~

35 7. 17.07 ~~per cent~~ PERCENT to the state treasurer for deposit in the  
36 judicial collection enhancement fund established by section 12-113.

37 8. 0.26 ~~per cent~~ PERCENT to the state treasurer for deposit in the  
38 confidential intermediary and fiduciary fund established by section 8-135.

39 9. In the county general fund, the following percentages:

40 (a) 31.29 ~~per cent~~ PERCENT if the county treasurer is serving in a  
41 county with a population of more than five hundred thousand persons ~~according~~  
42 ~~to the most recent United States decennial census.~~

43 (b) 32.10 ~~per cent~~ PERCENT if the county treasurer is serving in a  
44 county with a population of five hundred thousand persons or less ~~according~~  
45 ~~to the most recent United States decennial census.~~

1 B. 7.51 ~~per cent~~ PERCENT of the monies transmitted, distributed or  
2 deposited pursuant to subsection A of this section shall be kept and used by  
3 the court collecting the fees in the same manner as the seven dollars of the  
4 time payment fee prescribed by section 12-116, subsection B.

5 Sec. 2. Section 13-811, Arizona Revised Statutes, is amended to read:  
6 13-811. Disposition of fines

7 A. Except as provided in subsections B and C of this section, all  
8 fines collected in any court, except municipal courts, shall be paid to the  
9 county treasurer of the county in which the court is held. All fines  
10 collected in the superior court for violation of a city or town ordinance  
11 shall be paid to the county treasurer.

12 B. Except as provided in subsection C of this section, all fines or  
13 costs collected in any court for offenses indicted by a state grand jury or  
14 for other offenses prosecuted by the attorney general shall be paid to the  
15 anti-racketeering revolving fund established ~~in~~ BY section 13-2314.01.

16 C. Except as provided in section 13-821, all fines collected in any  
17 court for offenses included in chapter 34 of this title and prosecuted by a  
18 city prosecutor, a county attorney or the attorney general shall be paid to  
19 the drug and gang enforcement ~~account of the criminal justice enhancement~~  
20 fund established ~~in~~ BY section 41-2402.

21 Sec. 3. Section 31-281, Arizona Revised Statutes, is amended to read:  
22 31-281. Transition program; report; definition

23 A. The department shall establish a transition program THAT PROVIDES  
24 ELIGIBLE INMATES WITH TRANSITION SERVICES IN THE COMMUNITY FOR UP TO NINETY  
25 DAYS. The department shall administer the transition program and contract  
26 with private or nonprofit entities to provide eligible inmates with  
27 transition services and shall procure transition services pursuant to title  
28 41, chapter 23.

29 B. The director shall adopt rules to implement this article. The  
30 rules shall include:

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

33 (a) Not have been convicted of a ~~violation of~~ SEXUAL OFFENSE PURSUANT  
34 TO title 13, chapter 14 or A VIOLATION OF TITLE 13, CHAPTER 17 ~~or title 28,~~  
35 ~~chapter 4.~~

36 (b) Be classified by the state department of corrections as a low  
37 VIOLENCE risk to the community.

38 (c) Not have been convicted of a violent crime as defined in section  
39 13-901.03 or a domestic violence offense pursuant to section 13-3601.

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

41 ~~(e)~~ (d) Not have any felony detainers.

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

1 ~~(g)~~ (f) Have made satisfactory progress BY COMPLYING WITH ALL  
2 PROGRAMMING on the inmate's individualized corrections plan as determined by  
3 the department.

4 ~~(h) Have maintained civil behavior while incarcerated as determined by~~  
5 ~~the department.~~

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

7 ~~(j) Have a need and ability to benefit from the program as determined~~  
8 ~~by the department.~~

9 (g) BE CLASSIFIED BY THE DEPARTMENT AS MINIMUM OR MEDIUM CUSTODY AS  
10 DETERMINED BY AN OBJECTIVE RISK ASSESSMENT.

11 (h) NOT HAVE BEEN FOUND IN VIOLATION OF ANY MAJOR VIOLENT RULE DURING  
12 THE INMATE'S CURRENT PERIOD OF INCARCERATION OR IN VIOLATION OF ANY OTHER  
13 MAJOR RULE WITHIN THE PREVIOUS SIX MONTHS. FOR THE PURPOSES OF THIS  
14 SUBDIVISION, AN ACCUMULATION OF MINOR RULE VIOLATIONS DOES NOT EQUAL A MAJOR  
15 RULE VIOLATION.

16 2. A requirement that each contracted entity train mentors or certify  
17 that mentors are trained.

18 3. A REQUIREMENT THAT the services ~~that may be~~ offered to an inmate  
19 INCLUDE PSYCHOEDUCATIONAL COUNSELING AND CASE MANAGEMENT SERVICES AS  
20 DETERMINED BY THE DEPARTMENT. THE COUNSELING AND SERVICES MAY INCLUDE  
21 SUBSTANCE ABUSE TREATMENT, ANGER MANAGEMENT, COGNITIVE BEHAVIORAL THERAPY,  
22 PARENTING SKILLS AND FAMILY REUNIFICATION TRAINING, FURTHER EDUCATION AND JOB  
23 PLACEMENT.

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

26 ~~5.~~ 4. A requirement that an inmate may be released pursuant to this  
27 article only after the victim has been provided notice and an opportunity to  
28 be heard. The department shall provide notice to a victim who has provided a  
29 current address or other contact information. The notice shall inform the  
30 victim of the opportunity to be heard on the early release. Any objection to  
31 the inmate's early release must be made within twenty days after the  
32 department has mailed the notice to the victim.

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

35 D. The department shall:

36 1. Conduct an annual study to determine the recidivism rate of inmates  
37 who receive a contracted entity's services pursuant to this article. THE  
38 STUDY SHALL INCLUDE THE RECIDIVISM RATE OF INMATES WHO HAVE BEEN RELEASED  
39 FROM INCARCERATION FOR A MINIMUM OF THREE YEARS AFTER RELEASE.

40 2. Evaluate the inmate and provide the information to the contracted  
41 entity.

42 3. Submit a written report to the governor, the president of the  
43 senate and the speaker of the house of representatives on or before July 31  
44 of each year and provide a copy of this report to the secretary of state ~~and~~  
45 ~~the director of the Arizona state library, archives and public records. THE~~

1 REPORT MAY BE SUBMITTED ELECTRONICALLY. The report shall contain the  
2 following information:

3 (a) The recidivism rate of inmates who receive services pursuant to  
4 this article, INCLUDING THE RECIDIVISM RATE OF INMATES WHO HAVE BEEN RELEASED  
5 FROM INCARCERATION FOR A MINIMUM OF THREE YEARS AFTER RELEASE.

6 (b) The number of inmates who received services pursuant to this  
7 article.

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

10 (d) The types of services provided.

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

12 4. PROVIDE INFORMATION ABOUT THE TRANSITION PROGRAM TO ALL INMATES WHO  
13 ARE NOT SERVING A LIFE SENTENCE ON ADMISSION TO PRISON AND TO ANY INMATE WHO  
14 IS POTENTIALLY ELIGIBLE FOR THE TRANSITION PROGRAM SIX MONTHS BEFORE THE  
15 INMATE'S ELIGIBILITY DATE. THE INFORMATION MUST INCLUDE ALL OF THE ADMISSION  
16 REQUIREMENTS TO THE TRANSITION PROGRAM, INCLUDING THE DISQUALIFYING FACTORS  
17 UNDER THIS SECTION.

18 E. FOR THE PURPOSES OF THIS SECTION, "RECIDIVISM" MEANS  
19 REINCARCERATION IN THE DEPARTMENT FOR ANY REASON.

20 Sec. 4. Section 31-287, Arizona Revised Statutes, is amended to read:

21 31-287. Program termination

22 The transition program established by this article ends on July 1, ~~2018~~  
23 2020 pursuant to section 41-3102.

24 Sec. 5. Section 41-178, Arizona Revised Statutes, is amended to read:

25 41-178. Distribution of notary bond fees

26 The state treasurer shall transmit, distribute or deposit all monies  
27 received pursuant to section 41-126, subsection A, paragraphs 11 and 12 as  
28 follows:

29 1. 1.31 ~~per-cent~~ PERCENT for deposit in the ~~drug and gang enforcement~~  
30 ~~account~~ RESOURCE CENTER FUND established by ~~section 41-2402~~ AND for the  
31 purposes of section 41-2402, subsection G.

32 2. 8.87 ~~per-cent~~ PERCENT for deposit in the domestic violence shelter  
33 fund established by section 36-3002.

34 3. 1.93 ~~per-cent~~ PERCENT for deposit in the child abuse prevention  
35 fund established by section 8-550.01.

36 4. 7.62 ~~per-cent~~ PERCENT for proportional deposit in each county's law  
37 library fund established by section 12-305, based on the number of notaries  
38 commissioned per county.

39 5. 0.35 ~~per-cent~~ PERCENT for deposit in the alternative dispute  
40 resolution fund established by section 12-135.

41 6. 23.79 ~~per-cent~~ PERCENT for deposit in the elected officials'  
42 retirement plan fund established by section 38-802, which shall be  
43 distributed to the fund pursuant to section 38-810.

44 7. 17.07 ~~per-cent~~ PERCENT for deposit in the judicial collection  
45 enhancement fund established by section 12-113.





1 reasonable notice to the probation department of the scheduled release of the  
2 prisoner from confinement by the department. If the court waives community  
3 supervision, the director shall issue the prisoner an absolute discharge on  
4 the prisoner's earned release credit date. A prisoner who is released on the  
5 earned release credit date to serve a term of probation is not under the  
6 control of the state department of corrections when community supervision has  
7 been waived and the state department of corrections is not required to  
8 provide parole services.

9 E. Notwithstanding subsection D of this section, a prisoner who fails  
10 to achieve functional literacy at an eighth grade literacy level shall not be  
11 released to begin the prisoner's term of community supervision until either  
12 the prisoner achieves an eighth grade functional literacy level as measured  
13 by standardized assessment testing or the prisoner serves the full term of  
14 imprisonment imposed by the court, whichever first occurs. This subsection  
15 does not apply to inmates who either:

16 1. Are unable to meet the functional literacy standard required by  
17 section 31-229.02, subsection A, ~~due to a medical, developmental or learning~~  
18 disability as described in section 31-229, subsection C.

19 2. Are classified as level five offenders.

20 3. Are foreign nationals.

21 4. Have less than six months OF incarceration to serve on commitment  
22 to the department.

23 F. The department shall establish conditions of community supervision  
24 it deems appropriate in order to ensure that the best interests of the  
25 prisoner and the citizens of this state are served. As a condition of  
26 community supervision, the director:

27 1. May order a released prisoner to participate in an appropriate drug  
28 treatment or education program that is administered by a qualified agency,  
29 organization or individual approved by the department of health services and  
30 that provides treatment or education to persons who abuse controlled  
31 substances. Each person who is enrolled in a drug treatment or education  
32 program shall pay for the cost of participation in the program to the extent  
33 of the person's financial ability.

34 2. MAY ORDER additional conditions, ~~may include~~ INCLUDING  
35 participation in a rehabilitation program or counseling and performance of  
36 community restitution work. ~~, except that~~

37 3. MAY ORDER A PRISONER TO APPLY FOR HEALTH CARE BENEFITS THROUGH THE  
38 ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM BEFORE BEING RELEASED. THE STATE  
39 DEPARTMENT OF CORRECTIONS SHALL ENTER INTO AN ENROLLMENT SUSPENSE AGREEMENT  
40 WITH THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM TO REINSTATE BENEFITS  
41 FOR PRISONERS WHO WERE SENTENCED TO TWELVE MONTHS OR LESS AND WHO WERE  
42 PREVIOUSLY ENROLLED IN THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM  
43 IMMEDIATELY BEFORE INCARCERATION. FOR ALL OTHER PRISONERS, THE STATE  
44 DEPARTMENT OF CORRECTIONS SHALL SUBMIT A PRERELEASE APPLICATION TO THE  
45 ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM AT LEAST THIRTY DAYS BEFORE THE

1 PRISONER'S RELEASE DATE. THE STATE DEPARTMENT OF CORRECTIONS MAY COORDINATE  
2 WITH COMMUNITY-BASED ORGANIZATIONS OR THE DEPARTMENT OF ECONOMIC SECURITY TO  
3 ASSIST PRISONERS IN APPLYING FOR ENROLLMENT IN THE ARIZONA HEALTH CARE COST  
4 CONTAINMENT SYSTEM.

5 4. SHALL IMPOSE, if the prisoner was convicted of a violation of  
6 sexual conduct with a minor under fifteen years of age or molestation of a  
7 child under fifteen years of age, ~~the department shall impose as a condition~~  
8 ~~of community supervision~~ a prohibition on residing within four hundred forty  
9 feet of a school or its accompanying grounds. FOR THE PURPOSES OF THIS  
10 PARAGRAPH, "SCHOOL" MEANS ANY PUBLIC, CHARTER OR PRIVATE SCHOOL WHERE  
11 CHILDREN ATTEND CLASSES.

12 G. THE DIRECTOR MAY EXCHANGE A PRISONER'S HEALTH CARE INFORMATION WITH  
13 THE REGIONAL BEHAVIORAL HEALTH AUTHORITY OR ARIZONA HEALTH CARE COST  
14 CONTAINMENT SYSTEM JUSTICE SYSTEM CONTACT TO FACILITATE THE TRANSITION TO  
15 CARE FOR RELEASED PRISONERS TO ACCESS THE FULL ARRAY OF BEHAVIORAL AND  
16 PHYSICAL HEALTH CARE SERVICES, INCLUDING MEDICATION, COUNSELING, CASE  
17 MANAGEMENT, SUBSTANCE ABUSE TREATMENT, AND PARENTING SKILLS AND FAMILY  
18 REUNIFICATION TRAINING. THE DIRECTOR SHALL ADOPT POLICIES AND PROCEDURES  
19 THAT ESTABLISH A TEAM TO CONVENE AND DISCUSS THE SERVICES AND RESOURCES,  
20 INCLUDING HOUSING AND EMPLOYMENT SUPPORTS, THAT MAY BE NEEDED FOR THE  
21 RELEASED PRISONER TO SAFELY TRANSITION INTO THE COMMUNITY. THE TEAM SHALL  
22 INCLUDE THE REGIONAL BEHAVIORAL HEALTH AUTHORITY OR ARIZONA HEALTH CARE COST  
23 CONTAINMENT SYSTEM CONTRACTOR AND THE HEALTH CARE PROVIDER.

24 H. If a prisoner who reaches the prisoner's earned release credit date  
25 refuses to sign and agree to abide by the conditions of supervision before  
26 release on community supervision, the prisoner shall not be released. When  
27 the prisoner reaches the sentence expiration date, the prisoner shall be  
28 released to begin the term of community supervision. If the prisoner refuses  
29 to sign and agree to abide by the conditions of release, the prisoner shall  
30 not be released on the sentence expiration date and shall serve the term of  
31 community supervision in prison. The department is required to supervise any  
32 prisoner on community supervision until the period of community supervision  
33 expires. The department may bring a prisoner who is in violation of the  
34 prisoner's terms and conditions before the board of executive clemency. ~~For~~  
35 ~~the purposes of this subsection, "school" means any public, charter or~~  
36 ~~private school where children attend classes.~~

37 ~~G.~~ I. The director, pursuant to rules adopted by the department,  
38 shall authorize the release of any prisoner on the prisoner's earned release  
39 credit date to serve any consecutive term imposed on the prisoner. The  
40 release shall be for the sentence completed only. The prisoner shall remain  
41 under the custody and control of the department. The director may authorize  
42 the rescission of the release to any consecutive term if the prisoner fails  
43 to adhere to the rules of the department.





1 enhancing defense and probation services, including treatment, and funding  
2 the drug testing program.

3 4. Up to thirty ~~per-cent~~ PERCENT to fund programs by county sheriffs  
4 and the state department of corrections, as approved by the commission, to  
5 enhance drug offender treatment programs and the jail operations and  
6 facilities available to detain and incarcerate drug offenders and members of  
7 criminal street gangs as defined in section 13-105.

8 5. Up to thirty ~~per-cent~~ PERCENT to fund programs and agencies, as  
9 approved by the commission, to enhance the integration of criminal justice  
10 records relating to drug and gang offenders and their related criminal  
11 activity.

12 C. Any state agency that receives monies allocated from ~~this account~~  
13 THE DRUG AND GANG ENFORCEMENT FUND shall not include ~~such~~ THE monies as part  
14 of ~~its~~ THE STATE AGENCY'S continuation budget base for the purpose of  
15 requesting appropriations for the following fiscal year.

16 D. All the monies allocated from ~~this account~~ THE DRUG AND GANG  
17 ENFORCEMENT FUND shall be dedicated solely to the purpose of enhancing  
18 efforts to deter, investigate, prosecute, adjudicate and punish drug and gang  
19 and related criminal offenders, except those monies allocated pursuant to  
20 subsection G of this section.

21 E. Notwithstanding the limitations prescribed in subsection B of this  
22 section, any federal monies or matching state monies in the drug and gang  
23 enforcement ~~account~~ FUND may only be allocated by the commission pursuant to  
24 a plan approved by the federal government.

25 F. The auditor general shall annually perform a full and complete  
26 audit of the CRIMINAL JUSTICE ENHANCEMENT fund ESTABLISHED BY SECTION 41-2401  
27 or the commission shall annually contract with an accounting firm to perform  
28 the audit and deliver a report to the governor and the legislature. The  
29 audit shall be charged to the drug and gang enforcement ~~account~~ FUND.

30 G. ~~A-~~ THE resource center fund is established consisting of monies  
31 received pursuant to section 12-284.03, subsection A, paragraph 1 and section  
32 41-178 and all monies received from public or private gifts, grants or other  
33 sources, excluding federal monies and monies to be passed through to other  
34 entities, to be used solely for ~~the purpose of~~ funding the Arizona youth  
35 survey. THE ARIZONA CRIMINAL JUSTICE COMMISSION SHALL ADMINISTER THE FUND.  
36 Monies in the fund are subject to legislative appropriation. Any monies  
37 unexpended or unencumbered on June 30 of each year shall not be subsequently  
38 expended or encumbered unless reappropriated. ~~No~~ Monies in the drug and gang  
39 enforcement ~~account except those received pursuant to this subsection~~ FUND  
40 shall NOT be used to fund the Arizona youth survey. Monies that are expended  
41 pursuant to this subsection are subject to the reporting requirements  
42 prescribed in section 41-617.01.

1           Sec. 10. Section 41-2405, Arizona Revised Statutes, is amended to  
2 read:

3           41-2405. Arizona criminal justice commission; powers and  
4                                   duties; staff

5           A. The Arizona criminal justice commission shall:

6           1. Monitor the progress and implementation of new and continuing  
7 criminal justice legislation.

8           2. Facilitate research among criminal justice agencies and maintain  
9 criminal justice system information.

10          3. Facilitate coordinated statewide efforts to improve criminal  
11 justice information and data sharing.

12          4. Prepare for the governor a biennial criminal justice system review  
13 report. The report shall contain:

14           (a) An analysis of all criminal justice programs created by the  
15 legislature in the preceding two years.

16           (b) An analysis of the effectiveness of the criminal code, with a  
17 discussion of any problems and recommendations for revisions if deemed  
18 necessary.

19           (c) A study of the level of activity in the several areas of the  
20 criminal justice system, with recommendations for redistribution of criminal  
21 justice revenues if deemed necessary.

22           (d) An overall review of the entire criminal justice system, including  
23 crime prevention, criminal apprehension, prosecution, court administration  
24 and incarceration at the state and local levels as well as funding needs for  
25 the system.

26           (e) Recommendations for constitutional, statutory and administrative  
27 revisions that are necessary to develop and maintain a cohesive and effective  
28 criminal justice system.

29          5. Provide supplemental reports on criminal justice issues of special  
30 timeliness.

31          6. In coordination with other governmental agencies, gather  
32 information on programs that are designed to effectuate community crime  
33 prevention and education using citizen participation and on programs for  
34 alcohol and drug abuse prevention, education and treatment and disseminate  
35 that information to the public, political subdivisions, law enforcement  
36 agencies and the legislature.

37          7. Make recommendations to the legislature and the governor regarding  
38 the purposes and formula for allocation of fund monies as provided in section  
39 41-2401, subsection D and section 41-2402 through the biennial agency budget  
40 request.

41          8. Adopt rules for the purpose of allocating fund monies as provided  
42 in sections 41-2401, 41-2402 and 41-2407 that are consistent with the  
43 purposes set forth in those sections and that promote effective and efficient  
44 use of the monies.

- 1           9. Make reports to the governor and the legislature as they require.
- 2           10. Oversee the research, ~~analysis~~ ANALYSES, studies, reports and
- 3 publication of crime and criminal justice statistics prepared by the Arizona
- 4 statistical analysis center, which is an operating section of the Arizona
- 5 criminal justice commission.
- 6           11. Prepare an annual report on law enforcement activities in this
- 7 state THAT ARE funded by the drug AND GANG enforcement ~~account~~ FUND or the
- 8 criminal justice enhancement fund and ~~relating~~ THAT RELATE to illicit drugs
- 9 and drug related gang activity. The report shall be submitted by October 31
- 10 of each year to the governor, the president of the senate and the speaker of
- 11 the house of representatives AND A COPY SHALL BE SUBMITTED TO THE SECRETARY
- 12 OF STATE. The report shall include:
- 13           (a) The name and a description of each law enforcement program dealing
- 14 with illegal drug activity or street gang activity, or both.
- 15           (b) The objective and goals of each program.
- 16           (c) The source and amount of monies received by each program.
- 17           (d) The name of the agency or entity that administers each program.
- 18           (e) The effectiveness of each program.
- 19           12. Compile and disseminate information on best practices for cold
- 20 case investigations, including effective victim communication procedures.
- 21 For the purposes of this paragraph, "cold case" means a homicide or a felony
- 22 sexual offense that remains unsolved for one year or more after being
- 23 reported to a law enforcement agency and that has no viable and unexplored
- 24 investigatory leads.
- 25           B. The Arizona criminal justice commission ~~may~~, as necessary to
- 26 perform its functions, MAY:
- 27           1. Request any state or local criminal justice agency to submit any
- 28 necessary information.
- 29           2. Form subcommittees, make studies, conduct inquiries and hold
- 30 hearings.
- 31           3. Subject to chapter 4, article 4 of this title, employ consultants
- 32 for special projects and such staff as deemed necessary or advisable to carry
- 33 out this section.
- 34           4. Delegate its duties to carry out this section, including:
- 35           (a) The authority to enter into contracts and agreements on behalf of
- 36 the commission.
- 37           (b) Subject to chapter 4, article 4 and, as applicable, articles 5 and
- 38 6 of this title, the authority to appoint, hire, terminate and discipline all
- 39 personnel of the commission, including consultants.
- 40           5. Establish joint research and information facilities with
- 41 governmental and private agencies.
- 42           6. Accept and expend public and private grants of monies, gifts and
- 43 contributions and expend, distribute or allocate monies appropriated to ~~it~~
- 44 THE COMMISSION for the purpose of enhancing efforts to investigate or
- 45 prosecute and adjudicate any crime and to implement this chapter.

1 Sec. 11. Laws 2014, chapter 18, section 131 is amended to read:

2 Sec. 131. Administrative office of the courts; drug treatment;  
3 family drug court programming; appropriations;  
4 exemptions; fiscal year 2014-2015

5 A. The sum of \$250,000 is appropriated from the state general fund in  
6 fiscal year 2014-2015 to the administrative office of the courts for  
7 distribution to a county with a population of more than five hundred thousand  
8 persons and less than one million persons according to the 2010 United States  
9 decennial census. The county shall use the funding in a drug treatment  
10 alternative to prison program.

11 B. The sum of \$250,000 is appropriated from the state general fund in  
12 fiscal year 2014-2015 to the administrative office of the courts for  
13 distribution to a county with a population of more than three million persons  
14 according to the 2010 United States decennial census. The county shall use  
15 the funding to contract with a provider offering integrated delivery of  
16 services from testing to treatment, as needed, using evidence-based treatment  
17 standards, and providing the option of an online case management system to  
18 report client progress to the court.

19 C. The ~~appropriations~~ APPROPRIATION made in ~~subsections~~ SUBSECTION A  
20 ~~and B~~ of this section ~~are~~ IS exempt from the provisions of section 35-190,  
21 Arizona Revised Statutes, relating to lapsing of appropriations through June  
22 30, 2016.

23 D. THE APPROPRIATION MADE IN SUBSECTION B OF THIS SECTION IS EXEMPT  
24 FROM THE PROVISIONS OF SECTION 35-190, ARIZONA REVISED STATUTES, RELATING TO  
25 LAPSING OF APPROPRIATIONS THROUGH JUNE 30, 2017.

26 Sec. 12. Laws 2015, chapter 17, section 11 is amended to read:

27 Sec. 11. State department of corrections; incarceration  
28 contracts implementation; fiscal year 2016-2017

29 ~~A.~~ The state department of corrections shall award a contract or  
30 contracts to open up to one thousand beds on July 1, 2016 pursuant to  
31 requests for proposals issued by the state department of corrections for up  
32 to a total of ~~two~~ ONE thousand medium security prison beds at new or existing  
33 contracted bed facilities or expansions of contracted bed facilities in this  
34 state under the authority of section 41-1609, Arizona Revised Statutes.

35 ~~B. The state department of corrections may award a contract or~~  
36 ~~contracts for the remaining male medium security prison beds under the~~  
37 ~~requests for proposals described in subsection A of this section only if~~  
38 ~~specific legislative authorization for the award is provided.~~

39 Sec. 13. State department of corrections; conditional  
40 incarceration contracts implementation; fiscal year  
41 2016-2017; authorization cessation

42 A. On or before November 30, 2016, the state department of corrections  
43 shall notify the joint committee on capital review if the male inmate  
44 population listed in the department's daily count sheet remains at least one  
45 thousand inmates more than the April 22, 2016 level of 38,762 inmates for at

1 least thirty consecutive days after April 22, 2016. After a notification  
2 pursuant to this subsection and before the issuance of a request for  
3 proposals for one thousand male medium security prison beds, the joint  
4 committee on capital review shall review and approve the state department of  
5 corrections' plan to issue a request for proposals and the department's  
6 timeline for the opening of the beds. The joint committee on capital review  
7 may not review or approve a request for proposals pursuant to this section  
8 after December 31, 2016.

9 B. After approval by the joint committee on capital review, the state  
10 department of corrections shall award a contract or contracts to open up to  
11 one thousand male medium security prison beds pursuant to a request for  
12 proposals issued by the state department of corrections for a total of one  
13 thousand male medium security prison beds at new or existing contracted bed  
14 facilities or expansions of contracted bed facilities in this state under the  
15 authority of section 41-1609, Arizona Revised Statutes.

16 C. Before a contract is awarded pursuant to subsection B of this  
17 section, a county of this state has the first right of refusal to enter into  
18 a contract with the state department of corrections for at least two hundred  
19 fifty beds if the county's contract meets all of the requirements in the  
20 request for proposals and a per diem at the same rate or less than other  
21 competitive bidders that are not counties of this state.

22 D. If the state department of corrections does not provide the notice  
23 required in subsection A of this section on or before November 30, 2016 and  
24 if the joint committee on capital review does not review and approve the  
25 department's plan to issue a request for proposals on or before December 31,  
26 2016, the authorization to enter into a contract for one thousand male medium  
27 security prison beds pursuant to this section ceases.

28 Sec. 14. State department of corrections; authority to transfer  
29 monies

30 Notwithstanding any other law, in fiscal year 2016-2017, the state  
31 department of corrections may transfer monies from the special services fund  
32 established by section 41-1604.03, Arizona Revised Statutes, to the  
33 automation projects fund established by section 41-714, Arizona Revised  
34 Statutes, for costs related to the replacement of the adult inmate management  
35 system.

36 Sec. 15. State department of corrections; budget structure

37 Notwithstanding any other law, the state department of corrections  
38 shall report actual fiscal year 2015-2016, estimated fiscal year 2016-2017  
39 and requested fiscal year 2017-2018 expenditures in the same structure and  
40 detail as the prior fiscal year when the department submits the fiscal year  
41 2017-2018 budget request pursuant to section 35-113, Arizona Revised  
42 Statutes. The information submitted for each line item shall contain as much  
43 detail as submitted in previous years for prior line items.



1 automobile theft authority fund established by section 41-3451, Arizona  
2 Revised Statutes, to procure virtual training for law enforcement officers  
3 and for costs associated with the border strike task force.

4 Sec. 22. Legislative intent; county contribution amount for  
5 committed youth in secure care facilities

6 It is the intent of the legislature that the amount of the annual  
7 committed youth confinement cost sharing fee that the director of the  
8 department of juvenile corrections must assess to each county for committed  
9 youth in secure care facilities pursuant to section 41-2832, Arizona Revised  
10 Statutes, is each county's proportional share of \$11,260,000, using  
11 population data from the most recent United States decennial census.

12 Sec. 23. Department of public safety; concealed weapons permit  
13 fund; fiscal year 2016-2017

14 Notwithstanding section 41-1722, Arizona Revised Statutes, in fiscal  
15 year 2016-2017, the department of public safety may use monies in the  
16 concealed weapons permit fund established by section 41-1722, Arizona Revised  
17 Statutes, for costs associated with the border strike task force.

18 Sec. 24. Department of public safety; resource center fund;  
19 use; fiscal year 2016-2017

20 Notwithstanding section 41-2402, subsection G, Arizona Revised  
21 Statutes, as amended by this act, in fiscal year 2016-2017, the department of  
22 public safety may use monies in the resource center fund established by  
23 section 41-2402, subsection G, Arizona Revised Statutes, for costs associated  
24 with the border strike task force.

25 Sec. 25. Cost savings financing agreement; department of  
26 administration; state department of corrections;  
27 review

28 A. Notwithstanding any other law, the department of administration, in  
29 coordination with the state department of corrections, may enter into a  
30 financing agreement in fiscal year 2016-2017 that will generate a savings on  
31 the cost of housing prisoners by a combined total amount of at least  
32 \$25,000,000 from fiscal year 2016-2017 through fiscal year 2024-2025. The  
33 state department of corrections' cost reductions as a result of the financing  
34 agreement may not vary by more than \$1,000,000 in any fiscal year between  
35 fiscal year 2016-2017 and fiscal year 2024-2025. Any state department of  
36 corrections contractual payments that are reduced as a direct result of the  
37 financing agreement shall be included in calculating the savings.

38 B. Before the department of administration, in coordination with the  
39 state department of corrections, enters into a financing agreement pursuant  
40 to subsection A of this section, the department of administration, in  
41 coordination with the state department of corrections, shall submit for  
42 review to the joint committee on capital review the proposed terms of the  
43 agreement, the total annual cost savings for the term of the agreement and  
44 the state department of corrections' allocation of these savings.



1           2. The number of people who might be eligible for such a program.

2           3. The types of facilities, staffing and treatment services that would  
3 be necessary for such a program.

4           4. The costs associated with the establishment, administration and  
5 staffing of such a program.

6           C. The committee may request information, data and reports from any  
7 state agency or political subdivision of this state, including the courts.  
8 The state agencies and political subdivisions shall provide the information  
9 electronically, if possible.

10          D. The committee may hold hearings, conduct fact-finding tours and  
11 take testimony from witnesses, including participants in the criminal justice  
12 system, who may assist the committee in fulfilling the committee's  
13 responsibilities. All of the committee's hearings shall be open to the  
14 public.

15          E. The legislature shall provide staff and support services to the  
16 committee.

17          F. Committee members are not eligible to receive compensation.

18          G. The committee shall submit a report regarding the committee's  
19 findings and recommendations on or before December 15, 2016 to the governor,  
20 the president of the senate and the speaker of the house of representatives  
21 and shall provide a copy of this report to the secretary of state.

22          H. This section is repealed from and after December 31, 2016.

23          Sec. 27. Retroactivity

24          A. Laws 2014, chapter 18, section 131, as amended by this act, applies  
25 retroactively to from and after June 30, 2016.

26          B. Laws 2015, chapter 17, section 11, as amended by this act, applies  
27 retroactively to from and after June 30, 2016.