



ARIZONA STATE SENATE
Fifty-Second Legislature, Second Regular Session

FINAL AMENDED
FACT SHEET FOR S.B. 1132

executive clemency board; salary; duties

Purpose

Requires the Arizona Department of Administration (ADOA) to determine a yearly salary for members of the Board of Executive Clemency (Board). Allows them to receive paid leave and separates the Chairman and Executive Director positions.

Background

The Board consists of five members appointed by the Governor and confirmed by the Senate. Board members serve five-year terms and the Governor selects a Chairman every two years. Before FY 2015, the Chairman also served as Executive Director; however, the positions were divided that year, as recommended by the Office of the Auditor General.

The Board is responsible for making parole decisions for individuals who committed their offenses before January 1, 1994; Arizona's truth-in-sentencing laws abolished parole for offenses committed after that date, instead requiring the Arizona Department of Corrections to release inmates who have met the truth-in-sentencing requirements directly to community supervision. For both groups of offenders, the Board determines whether to revoke parole or community supervision if they violate the terms of their release. Finally, the Board recommends clemency actions to the Governor, such as sentence commutations, pardons and reprieves. According to the Joint Legislative Budget Committee (JLBC), the Board heard 2,988 cases in FY 2015.

The Baseline includes \$956,000 and 14 FTE positions from the General Fund in FY 2017 for the Board's operating budget (JLBC). According to the Board, members are paid hourly at a rate that equals approximately \$45,000 a year, before deductions. The JLBC fiscal note states that the Board would incur costs if a member left the service of the Board and received payment of accrued leave, but the future impact cannot be estimated in advance. According to the Board, the members plan to request an approximate yearly compensation of \$65,000.

Provisions

1. Requires Board members to serve on a full-time basis.
2. Eliminates the requirement for Board members to be paid hourly and instead requires ADOA to determine the Board members' salary range.

3. Renders Board members eligible for paid leave by removing the restriction.
4. Removes the ability of the Board Chairman to serve as Executive Director, codifying current practice.
5. Specifies that the Executive Director serves at the pleasure of the Board and reports through the Chairman.
6. Requires hearing officers to conduct probable cause hearings on community supervision revocations.
7. Makes technical and conforming changes.
8. Becomes effective on the general effective date.

Amendments Adopted by the Judiciary Committee

- Corrects a drafting error, which capped Board member pay at \$30 a day. Instead, requires ADOA to determine a yearly salary.

Senate Action

House Action

JUD	2/4/16	DPA	6-0-1	MAPS	3/10/16	DP	6-0-0-2
APPROP	2/9/16	DP	7-0-1	3 rd Read	5/5/16		54-3-3
3 rd Read	2/24/16		21-8-1				

Signed by the Governor 5/11/16
Chapter 143

Prepared by Senate Research
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AW/rf