

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

**CHAPTER 119**  
**HOUSE BILL 2701**

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 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           8. 0.26 ~~per-cent~~ PERCENT for deposit in the confidential intermediary  
2 and fiduciary fund established by section 8-135.

3           9. 31.29 ~~per-cent~~ PERCENT for deposit in the notary bond fund  
4 established by section 41-314.

5           10. 7.51 ~~per-cent~~ PERCENT shall be distributed to the county where the  
6 notary is commissioned in the same manner as the seven dollars of the time  
7 payment fee prescribed by section 12-116, subsection B.

8           Sec. 6. Section 41-191.09, Arizona Revised Statutes, is amended to  
9 read:

10       41-191.09. Attorney general legal services cost allocation  
11       fund; contributions; annual report; exemptions

12           A. The attorney general legal services cost allocation fund is  
13 established for the purpose of reimbursing the department of law for general  
14 agency counsel. Monies in the fund are subject to legislative appropriation.  
15 The attorney general shall administer the fund.

16           B. Except as provided in subsection E of this section, each state  
17 agency or department may be charged for general agency counsel provided by  
18 the department of law. The amount, if any, shall be specified annually in  
19 the general appropriations act.

20           C. On or before September 1 of each year, each state agency or  
21 department shall submit A REPORT to the joint legislative budget committee  
22 ~~for review a report identifying~~ THAT IDENTIFIES the funding sources for the  
23 monies to be deposited pursuant to this section. The funding sources may not  
24 include the state general fund, federal funds or other funds that are legally  
25 restricted from making such payments.

26           D. A claim for the legal services cost allocation payment shall be  
27 submitted according to the fund source to the department of administration  
28 for deposit in the attorney general legal services cost allocation fund.

29           E. The following agencies are exempt from this section:

- 30           1. The department of water resources.
- 31           2. The residential utility consumer office.
- 32           3. The industrial commission.
- 33           4. The universities and the Arizona board of regents.
- 34           5. The auditor general.
- 35           6. The corporation commission.
- 36           7. The office of the governor.
- 37           8. The department of law.
- 38           9. The house of representatives.
- 39           10. The senate.
- 40           11. The joint legislative budget committee.
- 41           12. The Arizona state library, archives and public records.
- 42           13. The legislative council.
- 43           14. The department of administration risk management fund.
- 44           15. The department of transportation.
- 45           16. The Arizona game and fish department.
- 46           17. The department of economic security.



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

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

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

17 2. Are classified as level five offenders.

18 3. Are foreign nationals.

19 4. Have less than six months ~~OF~~ incarceration to serve on commitment  
20 to the department.

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

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

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

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

1 ASSIST PRISONERS IN APPLYING FOR ENROLLMENT IN THE ARIZONA HEALTH CARE COST  
2 CONTAINMENT SYSTEM.

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

10 G. THE DIRECTOR MAY EXCHANGE A PRISONER'S HEALTH CARE INFORMATION WITH  
11 THE REGIONAL BEHAVIORAL HEALTH AUTHORITY OR ARIZONA HEALTH CARE COST  
12 CONTAINMENT SYSTEM JUSTICE SYSTEM CONTACT TO FACILITATE THE TRANSITION TO  
13 CARE FOR RELEASED PRISONERS TO ACCESS THE FULL ARRAY OF BEHAVIORAL AND  
14 PHYSICAL HEALTH CARE SERVICES, INCLUDING MEDICATION, COUNSELING, CASE  
15 MANAGEMENT, SUBSTANCE ABUSE TREATMENT, AND PARENTING SKILLS AND FAMILY  
16 REUNIFICATION TRAINING. THE DIRECTOR SHALL ADOPT POLICIES AND PROCEDURES  
17 THAT ESTABLISH A CARE TEAM TO CONVENE AND DISCUSS THE SERVICES AND RESOURCES,  
18 INCLUDING HOUSING AND EMPLOYMENT SUPPORTS, THAT MAY BE NEEDED FOR THE  
19 RELEASED PRISONER TO SAFELY TRANSITION INTO THE COMMUNITY. THE CARE TEAM  
20 SHALL BE MANAGED BY THE REGIONAL BEHAVIORAL HEALTH AUTHORITY OR ARIZONA  
21 HEALTH CARE COST CONTAINMENT SYSTEM CONTRACTOR AND MAY INCLUDE THE HEALTH  
22 CARE PROVIDER THAT IS IDENTIFIED BY AND HAS A CONTRACT WITH THE REGIONAL  
23 BEHAVIORAL HEALTH AUTHORITY OR ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM  
24 CONTRACTOR. THE CARE TEAM MAY ALSO INCLUDE REPRESENTATIVES OF NONPROFIT  
25 ORGANIZATIONS THAT SPECIALIZE IN ASSISTING PRISONERS WHO ARE TRANSITIONING  
26 BACK INTO THE COMMUNITY AND OTHER ORGANIZATIONS THAT LINK PRISONERS TO  
27 ADDITIONAL SERVICES, INCLUDING HOUSING AND EMPLOYMENT.

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

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

1 the rescission of the release to any consecutive term if the prisoner fails  
2 to adhere to the rules of the department.

3 ~~H.~~ J. If a prisoner absconds from community supervision, any time  
4 spent before the prisoner is returned to custody is excluded in calculating  
5 the remaining period of community supervision.

6 ~~I.~~ K. A prisoner shall forfeit five days of the prisoner's earned  
7 release credits:

8 1. If the court finds or a disciplinary hearing held after a review by  
9 and recommendations from the attorney general's office determines that the  
10 prisoner does any of the following:

11 (a) Brings a claim without substantial justification.

12 (b) Unreasonably expands or delays a proceeding.

13 (c) Testifies falsely or otherwise presents false information or  
14 material to the court.

15 (d) Submits a claim that is intended solely to harass the party it is  
16 filed against.

17 2. For each time the prisoner tests positive for any prohibited drugs  
18 during the period of time the prisoner is incarcerated.

19 ~~J.~~ L. If the prisoner does not have five days of earned release  
20 credits, the prisoner shall forfeit the prisoner's existing earned release  
21 credits and shall be ineligible from accruing earned release credits until  
22 the number of earned release credits the prisoner would have otherwise  
23 accrued equals the difference between five days and the number of existing  
24 earned release credit days the prisoner forfeits pursuant to this section.

25 ~~K.~~ M. The director may authorize temporary release on inmate status  
26 of eligible inmates pursuant to rules adopted by the director within ninety  
27 days of any other authorized release date. The release authorization applies  
28 to any inmate who has been convicted of a drug offense, who has been  
29 determined to be eligible for participation in the transition program  
30 pursuant to section 31-281 and who has agreed to participate in the  
31 transition program.

32 Sec. 8. Section 41-1641, Arizona Revised Statutes, is amended to read:

33 41-1641. Corrections fund; uses; prior approval; exemption;  
34 transfer

35 A. The corrections fund is established and consists of monies received  
36 from the distribution provided pursuant to section 42-3104. **THE STATE**  
37 **DEPARTMENT OF CORRECTIONS SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE**  
38 **SUBJECT TO LEGISLATIVE APPROPRIATION.**

39 B. Monies in the corrections fund may be expended by:

40 1. The director of the department of administration for major  
41 maintenance, construction, lease, purchase, renovation or conversion of  
42 corrections or state operated juvenile facilities subject to the prior  
43 approval of the joint committee on capital review and the legislature.

44 2. The director of the state department of corrections for costs  
45 incurred in the minor maintenance and the operations of corrections  
46 facilities subject to the prior approval of the legislature.



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

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

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

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

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

23          F. The auditor general shall annually perform a full and complete  
24 audit of the DRUG AND GANG ENFORCEMENT fund or the commission shall annually  
25 contract with an accounting firm to perform the audit and deliver a report to  
26 the governor and the legislature. The audit shall be charged to the drug and  
27 gang enforcement ~~account~~ FUND.

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

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

43           41-2405. Arizona criminal justice commission; powers and  
44                                   duties; staff

45          A. The Arizona criminal justice commission shall:

- 1           1. Monitor the progress and implementation of new and continuing  
2 criminal justice legislation.
- 3           2. Facilitate research among criminal justice agencies and maintain  
4 criminal justice system information.
- 5           3. Facilitate coordinated statewide efforts to improve criminal  
6 justice information and data sharing.
- 7           4. Prepare for the governor a biennial criminal justice system review  
8 report. The report shall contain:
  - 9           (a) An analysis of all criminal justice programs created by the  
10 legislature in the preceding two years.
  - 11           (b) An analysis of the effectiveness of the criminal code, with a  
12 discussion of any problems and recommendations for revisions if deemed  
13 necessary.
  - 14           (c) A study of the level of activity in the several areas of the  
15 criminal justice system, with recommendations for redistribution of criminal  
16 justice revenues if deemed necessary.
  - 17           (d) An overall review of the entire criminal justice system, including  
18 crime prevention, criminal apprehension, prosecution, court administration  
19 and incarceration at the state and local levels as well as funding needs for  
20 the system.
  - 21           (e) Recommendations for constitutional, statutory and administrative  
22 revisions that are necessary to develop and maintain a cohesive and effective  
23 criminal justice system.
- 24           5. Provide supplemental reports on criminal justice issues of special  
25 timeliness.
- 26           6. In coordination with other governmental agencies, gather  
27 information on programs that are designed to effectuate community crime  
28 prevention and education using citizen participation and on programs for  
29 alcohol and drug abuse prevention, education and treatment and disseminate  
30 that information to the public, political subdivisions, law enforcement  
31 agencies and the legislature.
- 32           7. Make recommendations to the legislature and the governor regarding  
33 the purposes and formula for allocation of fund monies as provided in section  
34 41-2401, subsection D and section 41-2402 through the biennial agency budget  
35 request.
- 36           8. Adopt rules for the purpose of allocating fund monies as provided  
37 in sections 41-2401, 41-2402 and 41-2407 that are consistent with the  
38 purposes set forth in those sections and that promote effective and efficient  
39 use of the monies.
- 40           9. Make reports to the governor and the legislature as they require.
- 41           10. Oversee the research, ~~analysis~~ ANALYSES, studies, reports and  
42 publication of crime and criminal justice statistics prepared by the Arizona  
43 statistical analysis center, which is an operating section of the Arizona  
44 criminal justice commission.
- 45           11. Prepare an annual report on law enforcement activities in this  
46 state ~~THAT ARE~~ funded by the drug ~~AND GANG~~ enforcement ~~account~~ FUND or the

1 criminal justice enhancement fund and ~~relating~~ THAT RELATE to illicit drugs  
2 and drug related gang activity. The report shall be submitted by October 31  
3 of each year to the governor, the president of the senate and the speaker of  
4 the house of representatives AND A COPY SHALL BE SUBMITTED TO THE SECRETARY  
5 OF STATE. The report shall include:

6 (a) The name and a description of each law enforcement program dealing  
7 with illegal drug activity or street gang activity, or both.

8 (b) The objective and goals of each program.

9 (c) The source and amount of monies received by each program.

10 (d) The name of the agency or entity that administers each program.

11 (e) The effectiveness of each program.

12 12. Compile and disseminate information on best practices for cold  
13 case investigations, including effective victim communication procedures.  
14 For the purposes of this paragraph, "cold case" means a homicide or a felony  
15 sexual offense that remains unsolved for one year or more after being  
16 reported to a law enforcement agency and that has no viable and unexplored  
17 investigatory leads.

18 B. The Arizona criminal justice commission ~~may~~, as necessary to  
19 perform its functions, MAY:

20 1. Request any state or local criminal justice agency to submit any  
21 necessary information.

22 2. Form subcommittees, make studies, conduct inquiries and hold  
23 hearings.

24 3. Subject to chapter 4, article 4 of this title, employ consultants  
25 for special projects and such staff as deemed necessary or advisable to carry  
26 out this section.

27 4. Delegate its duties to carry out this section, including:

28 (a) The authority to enter into contracts and agreements on behalf of  
29 the commission.

30 (b) Subject to chapter 4, article 4 and, as applicable, articles 5 and  
31 6 of this title, the authority to appoint, hire, terminate and discipline all  
32 personnel of the commission, including consultants.

33 5. Establish joint research and information facilities with  
34 governmental and private agencies.

35 6. Accept and expend public and private grants of monies, gifts and  
36 contributions and expend, distribute or allocate monies appropriated to ~~it~~  
37 THE COMMISSION for the purpose of enhancing efforts to investigate or  
38 prosecute and adjudicate any crime and to implement this chapter.

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

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

42 ~~A.~~ The state department of corrections shall award a contract or  
43 contracts to open up to one thousand beds on July 1, 2016 pursuant to  
44 requests for proposals issued by the state department of corrections for up  
45 to a total of ~~two~~ ONE thousand medium security prison beds at new or existing

1 contracted bed facilities or expansions of contracted bed facilities in this  
2 state under the authority of section 41-1609, Arizona Revised Statutes.

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

7 Sec. 12. State department of corrections; conditional  
8 incarceration contracts implementation; fiscal year  
9 2016-2017; authorization cessation

10 A. On or before November 30, 2016, the state department of corrections  
11 shall notify the joint committee on capital review if the male inmate  
12 population listed in the department's daily count sheet increases by at least  
13 one thousand inmates above the April 22, 2016 level of 38,762 inmates. After  
14 a notification pursuant to this subsection and before the issuance of a  
15 request for proposals for one thousand male medium security prison beds, the  
16 joint committee on capital review shall review and approve the state  
17 department of corrections' plan to issue a request for proposals and the  
18 department's timeline for the opening of the beds. The joint committee on  
19 capital review may not review or approve a request for proposals pursuant to  
20 this section after December 31, 2016.

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

28 C. Before a contract is awarded pursuant to subsection B of this  
29 section, the state department of corrections shall award a contract for the  
30 first two hundred fifty of the one thousand beds to a county that has a  
31 population of less than two hundred thousand persons if the county offers a  
32 contract that meets all of the requirements in the request for proposals and  
33 a per diem at the same rate or less than other competitive bidders that are  
34 not counties of this state. Two or more counties may offer one contract if  
35 each county has a population of less than two hundred thousand persons. Only  
36 the first two hundred fifty beds of the request for proposals are required to  
37 be awarded to all eligible counties combined pursuant to this subsection,  
38 except that the state department of corrections is not prohibited from  
39 awarding a contract pursuant to this subsection for more than two hundred  
40 fifty beds. If all eligible counties combined do not offer a contract or  
41 contracts for two hundred fifty beds that meet the requirements in the  
42 request for proposals and a per diem at the same rate or less than other  
43 competitive bidders that are not counties of this state, the state department  
44 of corrections shall award a contract to a county that has a population of  
45 less than two hundred thousand persons pursuant to this subsection for the  
46 total number of beds that meet the requirements.

1 D. If the state department of corrections does not provide the notice  
2 required in subsection A of this section on or before November 30, 2016 and  
3 if the joint committee on capital review does not review and approve the  
4 department's plan to issue a request for proposals on or before December 31,  
5 2016, the authorization to enter into a contract for one thousand male medium  
6 security prison beds pursuant to this section ceases.

7 Sec. 13. State department of corrections; authority to transfer  
8 monies

9 Notwithstanding any other law, in fiscal year 2016-2017, the state  
10 department of corrections may transfer monies from the special services fund  
11 established by section 41-1604.03, Arizona Revised Statutes, to the  
12 automation projects fund established by section 41-714, Arizona Revised  
13 Statutes, for costs related to the replacement of the adult inmate management  
14 system.

15 Sec. 14. State department of corrections; budget structure

16 Notwithstanding any other law, the state department of corrections  
17 shall report actual fiscal year 2015-2016, estimated fiscal year 2016-2017  
18 and requested fiscal year 2017-2018 expenditures in the same structure and  
19 detail as the prior fiscal year when the department submits the fiscal year  
20 2017-2018 budget request pursuant to section 35-113, Arizona Revised  
21 Statutes. The information submitted for each line item shall contain as much  
22 detail as submitted in previous years for prior line items.

23 Sec. 15. Department of public safety; highway monies;  
24 limitation

25 Notwithstanding section 28-6537, Arizona Revised Statutes, the  
26 statutory caps and transfers of Arizona highway user revenue fund monies  
27 available to fund department of public safety highway patrol costs are  
28 suspended for fiscal year 2016-2017.

29 Sec. 16. GIITEM border security and law enforcement subaccount;  
30 expenditure plan; review

31 Notwithstanding section 41-1724, subsection G, Arizona Revised  
32 Statutes, before the department of public safety spends any monies  
33 appropriated in the general appropriations act for fiscal year 2016-2017 from  
34 the gang and immigration intelligence team enforcement mission border  
35 security and law enforcement subaccount established by section 41-1724,  
36 Arizona Revised Statutes, the department shall submit the subaccount's entire  
37 expenditure plan to the joint legislative budget committee for review.

38 Sec. 17. GIITEM border security and law enforcement subaccount;  
39 use; fiscal year 2016-2017

40 Notwithstanding section 41-1724, subsection E, Arizona Revised  
41 Statutes, the department of public safety may use up to \$137,700 of the  
42 amount appropriated in the fiscal year 2016-2017 general appropriations act  
43 from the gang and immigration intelligence team enforcement mission border  
44 security and law enforcement subaccount established by section 41-1724,  
45 Arizona Revised Statutes, in fiscal year 2016-2017 for costs related to an

1 increase in the public safety personnel retirement system employer  
2 contribution rate.

3 Sec. 18. Nonsupplanting; suspension; report

4 Notwithstanding any other law, in fiscal year 2016-2017 the provisions  
5 relating to supplanting of state monies pursuant to section 12-102.02,  
6 subsection E, section 12-102.03, subsection D, section 12-135, subsection D,  
7 section 12-135.01, subsection D, section 12-267, subsection D, section  
8 12-268, subsection D and section 12-299.01, subsection C, Arizona Revised  
9 Statutes, are suspended. The Arizona supreme court shall submit a report to  
10 the joint legislative budget committee identifying any decrease in county  
11 funding related to these suspended provisions, including the reasons for the  
12 decrease.

13 Sec. 19. Department of public safety; state aid to indigent  
14 defense fund; fiscal year 2016-2017

15 Notwithstanding section 11-588, Arizona Revised Statutes, in fiscal  
16 year 2016-2017, the department of public safety may use monies in the state  
17 aid to indigent defense fund established by section 11-588, Arizona Revised  
18 Statutes, for operating expenses.

19 Sec. 20. Department of public safety; automobile theft  
20 authority fund; fiscal year 2016-2017

21 Notwithstanding section 41-3451, Arizona Revised Statutes, in fiscal  
22 year 2016-2017, the department of public safety may use monies in the  
23 automobile theft authority fund established by section 41-3451, Arizona  
24 Revised Statutes, for costs associated with the border strike task force.

25 Sec. 21. Legislative intent; county contribution amount for  
26 committed youth in secure care facilities

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

33 Sec. 22. Department of public safety; concealed weapons permit  
34 fund; fiscal year 2016-2017

35 Notwithstanding section 41-1722, Arizona Revised Statutes, in fiscal  
36 year 2016-2017, the department of public safety may use monies in the  
37 concealed weapons permit fund established by section 41-1722, Arizona Revised  
38 Statutes, to procure virtual training for law enforcement officers.

39 Sec. 23. Department of public safety; resource center fund;  
40 use; fiscal year 2016-2017

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



1 paragraph 6 of this subsection, or the administrator's designee. The  
2 governor shall appoint this member.

3 9. A private attorney who has experience in behavioral health  
4 law. The president of the senate shall appoint this member.

5 10. A psychiatrist or psychologist who is licensed pursuant to title  
6 32, Arizona Revised Statutes, and who has experience with court-ordered  
7 evaluation and treatment. The speaker of the house of representatives shall  
8 appoint this member.

9 11. An administrator of an in-patient psychiatric facility or the  
10 administrator's designee. The president of the senate shall appoint this  
11 member.

12 12. A peace officer who has experience with behavioral health  
13 programs. The speaker of the house of representatives shall appoint this  
14 member.

15 13. One member who has experience in health policy. The governor  
16 shall appoint this member.

17 B. The committee shall research and make recommendations for a program  
18 to provide long-term treatment and supervision of persons who have been  
19 charged with crimes involving violent or dangerous behavior and who have been  
20 found incompetent and nonrestorable pursuant to title 13, chapter 41, Arizona  
21 Revised Statutes, including:

22 1. The legal and administrative framework of such a program.

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

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

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

28 C. The committee may request information, data and reports from any  
29 state agency or political subdivision of this state, including the courts.  
30 The state agencies and political subdivisions shall provide the information  
31 electronically, if possible.

32 D. The committee may hold hearings, conduct fact-finding tours and  
33 take testimony from witnesses, including participants in the criminal justice  
34 system, who may assist the committee in fulfilling the committee's  
35 responsibilities. All of the committee's hearings shall be open to the  
36 public.

37 E. The legislature shall provide staff and support services to the  
38 committee.

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

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

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

45 Sec. 26. Retroactivity

H.B. 2701

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

APPROVED BY THE GOVERNOR MAY 10, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 10, 2016.