

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 69
HOUSE BILL 2189

AN ACT

AMENDING SECTIONS 31-228, 31-237 AND 31-254, 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 31-228, Arizona Revised Statutes, is amended to
3 read:

4 31-228. Procedure for discharge of prisoner; return of
5 property; furnishing money, clothing and
6 transportation ticket; allowing hair to grow before
7 discharge

8 A. When a prisoner is released conditionally on parole, community
9 supervision or probation if the court waived community supervision
10 pursuant to section 13-603 or is discharged from a facility of the state
11 department of corrections there shall be returned to the prisoner
12 everything of value taken on commitment to the state department of
13 corrections, or thereafter received by the prisoner, unless the item is
14 contraband as defined in section 13-2501.

15 B. In addition to items returned pursuant to subsection A of this
16 section, all monies accumulated in a prisoner's dedicated discharge
17 account shall be furnished to every prisoner who is paroled, released on
18 community supervision, released on probation if the court waived community
19 supervision pursuant to section 13-603 or discharged from the state
20 department of corrections. Except for prisoners who are committed to the
21 department as a condition of probation, prisoners who have immediately
22 available financial resources in excess of two hundred fifty dollars or
23 prisoners who were previously paroled, released on community supervision,
24 released on probation if the court waived community supervision pursuant
25 to section 13-603 or discharged from the state department of corrections,
26 if a prisoner has accumulated less than fifty dollars in the prisoner's
27 dedicated discharge account, the monies accumulated in the account shall
28 be furnished to the prisoner on the prisoner's parole or discharge, and
29 the state department of corrections shall furnish the difference up to
30 fifty dollars. The department may furnish the monies to a prisoner who is
31 released to the community on a stored value card, smart card or other
32 instrument or device that enables a person to obtain goods, services or
33 anything else of value through the use of value stored on the instrument
34 or device.

35 C. A paroled prisoner, a prisoner who is released on community
36 supervision or probation if the court waived community supervision
37 pursuant to section 13-603 or a prisoner who is discharged may be
38 furnished a nontransferable ticket on a railroad or bus serving at or near
39 the place of release to the first railroad, bus station or ticket office
40 beyond the limits of the state in any direction. If the ticket is not
41 used within three days after the date of discharge, unless prevented by
42 illness, it shall be void.

43 D. Notwithstanding subsection B of this section, the department
44 shall furnish clothing not exceeding thirty-five dollars in cost to each
45 prisoner who is paroled, discharged, released on community supervision or

1 released on probation if the court waived community supervision pursuant
2 to section 13-603.

3 E. One month before the date of discharge, the prisoner shall be
4 permitted to allow the prisoner's hair to grow.

5 F. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, PRIOR TO DISCHARGE
6 THE DEPARTMENT SHALL WITHDRAW FROM THE PRISONER'S DEDICATED DISCHARGE
7 ACCOUNT ANY APPLICABLE FEES PRESCRIBED BY TITLE 28 OR THE ARIZONA
8 DEPARTMENT OF TRANSPORTATION'S ADMINISTRATIVE RULES FOR THE ISSUANCE OF
9 EITHER A STATE DRIVER LICENSE OR A NONOPERATING IDENTIFICATION LICENSE TO
10 THE PRISONER, IF ELIGIBLE.

11 Sec. 2. Section 31-237, Arizona Revised Statutes, is amended to
12 read:

13 31-237. Dedicated discharge accounts

14 A. Each wage earning prisoner who is committed to the department
15 shall deposit into a dedicated discharge account of the prisoner a
16 percentage of wages earned by the prisoner pursuant to section 31-254.
17 The department shall continue to deposit the percentage of wages earned by
18 the prisoner in the dedicated discharge account until the account
19 registers a ~~one~~ TWO hundred FIFTY dollar balance or, if the prisoner is
20 serving a sentence of natural life, a fifty dollar balance.

21 B. The monies that are accumulated in the dedicated discharge
22 account shall be distributed to the prisoner on the prisoner's discharge
23 from the department or transfer to a community release status or to home
24 arrest, EXCEPT THAT THE PRISONER MAY USE MONIES IN THE ACCOUNT BEFORE THE
25 PRISONER IS DISCHARGED OR TRANSFERRED FOR ITEMS AND SERVICES THAT THE
26 PRISONER WILL REQUIRE IMMEDIATELY AFTER BEING RELEASED OR TRANSFERRED.

27 C. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, PRIOR TO DISCHARGE
28 THE DEPARTMENT SHALL WITHDRAW FROM THE PRISONER'S DEDICATED DISCHARGE
29 ACCOUNT ANY APPLICABLE FEES PRESCRIBED BY TITLE 28 OR THE ARIZONA
30 DEPARTMENT OF TRANSPORTATION'S ADMINISTRATIVE RULES FOR THE ISSUANCE OF
31 EITHER A STATE DRIVER LICENSE OR A NONOPERATING IDENTIFICATION LICENSE TO
32 THE PRISONER, IF ELIGIBLE.

33 Sec. 3. Section 31-254, Arizona Revised Statutes, is amended to
34 read:

35 31-254. Compensation for labor performed; price of prison
36 made articles; distribution of earnings; workers'
37 compensation

38 A. Each prisoner who is engaged in productive work in any state
39 prison or institution under the jurisdiction of the department or a
40 private prison under contract with the department as a part of the prison
41 industries program shall receive for the prisoner's work the compensation
42 that the director determines. The compensation shall be in accordance
43 with a graduated schedule based on quantity and quality of work performed
44 and skill required for its performance but shall not exceed one dollar
45 fifty cents per hour unless the prisoner is employed in an Arizona

1 correctional industries program pursuant to title 41, chapter 11, article
2 3. If the director enters into a contract pursuant to section 41-1624.01
3 with a private person, firm, corporation or association the director shall
4 prescribe prisoner compensation of at least two dollars per
5 hour. Compensation shall not be paid to prisoners for attendance at
6 educational training or treatment programs, but compensation may be paid
7 for work training programs.

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

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

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

18 1. Twenty-five percent of the prisoner's gross wages until the
19 prisoner's dedicated discharge account registers a ~~one~~ TWO hundred FIFTY
20 dollar balance or, if the prisoner is serving a sentence of natural life,
21 a fifty dollar balance.

22 2. If the prisoner initiates a lawsuit, twenty percent from all
23 deposits to the prisoner's spendable account until the court fees are
24 collected in full.

25 3. If the prisoner was not convicted of a violation of title 28,
26 chapter 4, five percent of the prisoner's gross wages shall be used
27 exclusively to fund the transition program established by section 31-281.
28 All monies collected under this paragraph shall be deposited, pursuant to
29 sections 35-146 and 35-147, in the transition program fund established by
30 section 31-284.

31 4. Thirty percent of the prisoner's wages for court ordered
32 dependent care.

33 E. If the compensation due a prisoner equals or exceeds two dollars
34 per hour, the director shall credit to the prisoner's spendable account
35 established pursuant to section 31-230 an amount equaling fifty cents per
36 hour for each hour compensation is due plus ten percent of the adjusted
37 balance remaining after the mandatory deductions are taken. Mandatory
38 deductions shall be taken for the following purposes in the order
39 specified:

40 1. Twenty-five percent of the prisoner's gross wages until the
41 prisoner's dedicated discharge account registers a ~~one~~ TWO hundred FIFTY
42 dollar balance or, if the prisoner is serving a sentence of natural life,
43 a fifty dollar balance.

1 2. If the prisoner initiates a lawsuit, twenty percent from all
2 deposits to the prisoner's spendable account until the court costs are
3 collected in full.

4 3. If the prisoner was not convicted of a violation of title 28,
5 chapter 4, five percent of the prisoner's gross wages to fund the
6 transition program established by section 31-281. All monies collected
7 under this paragraph shall be deposited, pursuant to sections 35-146 and
8 35-147, in the transition program fund established by section 31-284.

9 4. Thirty percent of the prisoner's wages for the room and board
10 costs of maintaining the prisoner at the facility.

11 5. Thirty percent of the prisoner's wages for court ordered
12 dependent care.

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

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

20 H. Any monies not expended from the contributing prisoner's trust
21 fund or retention account for the purposes prescribed in subsection E of
22 this section shall be paid to the prisoner on release pursuant to section
23 31-228.

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

28 J. This section is not intended to restore, in whole or in part,
29 the civil rights of any prisoner. A prisoner who is compensated under
30 this section shall not be considered to be an employee of or employed by
31 this state, the department or any private person, firm, corporation or
32 association engaged in a contract pursuant to section 41-1624.01, and the
33 prisoner does not come within any of the provisions of the workers'
34 compensation provided in title 23, chapter 6 and is not entitled to any
35 benefits under title 23, chapter 6 whether on behalf of the prisoner or of
36 any other person. This subsection does not apply to prisoners who are
37 employed pursuant to a federally certified prison industry enhancement
38 program established pursuant to section 41-1674.

39 Sec. 4. Emergency

40 This act is an emergency measure that is necessary to preserve the
41 public peace, health or safety and is operative immediately as provided by
42 law.

H.B. 2189

APPROVED BY THE GOVERNOR MARCH 23, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 23, 2018.