

State of Arizona  
Senate  
Fifty-fourth Legislature  
First Regular Session  
2019

**CHAPTER 16**  
**SENATE BILL 1093**

AN ACT

AMENDING SECTIONS 31-201.01, 31-228, 31-230 AND 31-237, 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 31-201.01, Arizona Revised Statutes, is amended  
3 to read:

4 31-201.01. Duties of the director; tort actions; medical  
5 treatment costs; state immunity; definitions

6 A. The director shall hold in custody all persons WHO ARE sentenced  
7 to the department under the law and shall hold such persons for the term  
8 directed by the court, subject to law.

9 B. In addition to the medical and health services to be provided  
10 pursuant to subsection D of this section, the director may, in cooperation  
11 with the department of health services, MAY provide to prisoners  
12 psychiatric care and treatment pursuant to sections 31-226 and 31-226.01.

13 C. The director may institute and pursue programs which THAT  
14 promote the rehabilitation of the prisoners in the director's charge.

15 D. The director shall provide medical and health services for the  
16 prisoners. The director may contract for professional services to assist  
17 the director in carrying out this responsibility on behalf of the state,  
18 ~~provided~~ EXCEPT that all records made and retained in connection with the  
19 services provided by this subsection shall be made and retained only by  
20 duly authorized or qualified medical and professional personnel and not by  
21 any prisoner. Such records when not in use shall be retained in a safe  
22 and secure place.

23 E. If a victim of a person for whom a cost of incarceration has  
24 been calculated notifies the state that full restitution has not been made  
25 by the person for whom a cost of incarceration has been calculated, the  
26 state shall interplead with the superior court the disputed amount and set  
27 off the amounts owed the state from the remaining obligation.

28 F. Any and all causes of action which THAT may arise out of tort  
29 caused by the director, prison officers or employees of the department,  
30 within the scope of their legal duty, shall run only against the state.

31 G. The director shall establish by rule reasonable medical and  
32 health service fees for the medical and health services that are provided  
33 pursuant to subsection D of this section. Except as provided in  
34 subsection I of this section, every inmate shall be charged a reasonable  
35 medical and health services fee for each medical visit an inmate makes  
36 pursuant to a health needs request form or for emergency treatment.

37 H. Except as provided in subsection I of this section, the director  
38 may charge each inmate a reasonable fee for prescriptions, medication or  
39 prosthetic devices.

40 I. The director shall exempt the following inmates or medical  
41 visits by inmates from payment of medical and health services fees and  
42 fees for prescriptions, medication or prosthetic devices:

43 1. Medical visits initiated by the medical or mental health staff  
44 of the department.

- 1           2. Medical visits to a physician by inmates who are referred by a  
2 physician assistant or nurse practitioner.
- 3           3. Inmates at reception centers.
- 4           4. Juvenile inmates.
- 5           5. Pregnant inmates.
- 6           6. Seriously mentally ill inmates. For the purposes of this  
7 paragraph, "seriously mentally ill inmates" means inmates who as a result  
8 of a mental disorder as defined in section 36-501 exhibit emotional or  
9 behavioral functioning which is so impaired as to interfere substantially  
10 with their capacity to remain in the general prison population without  
11 supportive treatment or services of a long-term or indefinite duration and  
12 whose mental disability is severe and persistent, resulting in a long-term  
13 limitation of their functional capacities for primary activities of daily  
14 living, including interpersonal relationships, self-care, employment and  
15 recreation.
- 16          7. Inmates with developmental disabilities who are housed in a  
17 special programs unit.
- 18          8. Inmates who are housed in unit 8 at the Florence prison  
19 facility.
- 20          9. Inmates who are inpatients at the Alhambra prison facility  
21 special programs psychiatric hospital.
- 22          10. Inmates who are inpatients at the Flamenco prison facility  
23 mental health treatment unit.
- 24          11. Inmates who are undergoing administrative physical examinations  
25 for statewide driver status and fire fighting crews.
- 26          12. Inmates who are undergoing follow-up medical treatment for  
27 chronic diseases.
- 28          J. An inmate shall not be refused medical treatment for financial  
29 reasons.
- 30          K. All monies received by the department for medical and health  
31 service fees shall be deposited in the general fund.
- 32          L. A person who is convicted of a felony offense and who is  
33 incarcerated while awaiting sentence or while serving a sentence imposed  
34 by a court of law may not bring a cause of action seeking damages or  
35 equitable relief from the state or its political subdivisions, agencies,  
36 officers or employees for injuries suffered while in the custody of the  
37 state or its political subdivisions or agencies unless the complaint  
38 alleges specific facts from which the court may conclude that the  
39 plaintiff suffered serious physical injury or the claim is authorized by a  
40 federal statute.
- 41          M. The director shall establish criteria for reasonable deductions  
42 from monies credited to the prisoner's spendable account to repay the cost  
43 of:
  - 44           1. State property that the inmate wilfully damages or destroys  
45 during the inmate's incarceration.

1           2. Medical treatment for injuries that the inmate inflicts on  
2 himself or others.

3           3. Searching for and apprehending an inmate who escapes or attempts  
4 to escape.

5           4. Quelling a riot or other disturbance in which the inmate is  
6 unlawfully involved.

7           5. FEES PRESCRIBED BY TITLE 28 OR THE DEPARTMENT OF  
8 TRANSPORTATION'S RULES FOR THE ISSUANCE OF EITHER A DRIVER LICENSE OR A  
9 NONOPERATING IDENTIFICATION LICENSE TO THE INMATE, IF ELIGIBLE.

10          N. For THE purposes of this section:

11           1. "Reasonable fee" means an amount not to exceed ~~five dollars~~ \$5.

12           2. "Serious physical injury" means an impairment of physical  
13 condition that creates a substantial risk of death or that causes serious  
14 disfigurement, prolonged impairment of health or prolonged loss or  
15 impairment of the function of any bodily organ.

16          Sec. 2. Section 31-228, Arizona Revised Statutes, is amended to  
17 read:

18          31-228. Procedure for discharge of prisoner; return of  
19 property; furnishing money, clothing and  
20 transportation ticket; allowing hair to grow before  
21 discharge

22          A. When a prisoner is released conditionally on parole, community  
23 supervision or probation if the court waived community supervision  
24 pursuant to section 13-603 or is discharged from a facility of the state  
25 department of corrections there shall be returned to the prisoner  
26 everything of value taken on commitment to the state department of  
27 corrections, or thereafter received by the prisoner, unless the item is  
28 contraband as defined in section 13-2501.

29          B. In addition to items returned pursuant to subsection A of this  
30 section, all monies accumulated in a prisoner's dedicated discharge  
31 account shall be furnished to every prisoner who is paroled, released on  
32 community supervision, released on probation if the court waived community  
33 supervision pursuant to section 13-603 or discharged from the state  
34 department of corrections. Except for prisoners who are committed to the  
35 department as a condition of probation, prisoners who have immediately  
36 available financial resources in excess of ~~two hundred fifty dollars~~ \$250  
37 or prisoners who were previously paroled, released on community  
38 supervision, released on probation if the court waived community  
39 supervision pursuant to section 13-603 or discharged from the state  
40 department of corrections, if a prisoner has accumulated less than ~~fifty~~  
41 ~~dollars~~ \$50 in the prisoner's dedicated discharge account, the monies  
42 accumulated in the account shall be furnished to the prisoner on the  
43 prisoner's parole or discharge, and the state department of corrections  
44 shall furnish the difference up to ~~fifty dollars~~ \$50. The department may  
45 furnish the monies to a prisoner who is released to the community on a

1 stored value card, smart card or other instrument or device that enables a  
2 person to obtain goods, services or anything else of value through the use  
3 of value stored on the instrument or device.

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

12 D. Notwithstanding subsection B of this section, the department  
13 shall furnish clothing not exceeding ~~thirty-five dollars~~ \$35 in cost to  
14 each prisoner who is paroled, discharged, released on community  
15 supervision or released on probation if the court waived community  
16 supervision pursuant to section 13-603.

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

19 F. Notwithstanding subsection B of this section, ~~prior to~~ BEFORE A  
20 PRISONER'S discharge the STATE department OF CORRECTIONS shall withdraw  
21 from the prisoner's SPENDABLE OR dedicated discharge account any  
22 applicable fees prescribed by title 28 or the Arizona department of  
23 transportation's administrative rules for the issuance of either a state  
24 driver license or a nonoperating identification license to the prisoner,  
25 if eligible.

26 Sec. 3. Section 31-230, Arizona Revised Statutes, is amended to  
27 read:

28 31-230. Prisoner spendable accounts; fees

29 A. The director shall establish a prisoner spendable account for  
30 each prisoner. All monies that are received by a prisoner and that are  
31 not required to be deposited in another account shall be deposited in the  
32 prisoner's spendable account.

33 B. The director shall adopt rules for the disbursement of monies  
34 from prisoner spendable accounts.

35 C. If the court has ordered the prisoner to pay restitution  
36 pursuant to section 13-603, the director shall withdraw a minimum of  
37 twenty ~~per cent~~ PERCENT, or the balance owing on the restitution amount,  
38 up to a maximum of fifty ~~per cent~~ PERCENT of the monies available in the  
39 prisoner's spendable account each month to pay the court ordered  
40 restitution.

41 D. The director may establish by rule a fee for any deposits made  
42 to a prisoner spendable account. The director shall deposit, pursuant to  
43 sections 35-146 and 35-147, any monies collected pursuant to this  
44 subsection in the department of corrections building renewal fund  
45 established by section 41-797.

1 E. BEFORE A PRISONER'S DISCHARGE, THE STATE DEPARTMENT OF  
2 CORRECTIONS MAY WITHDRAW FROM THE PRISONER'S SPENDABLE ACCOUNT ANY  
3 APPLICABLE FEES PRESCRIBED BY TITLE 28 OR THE DEPARTMENT OF  
4 TRANSPORTATION'S RULES FOR THE ISSUANCE OF EITHER A DRIVER LICENSE OR A  
5 NONOPERATING IDENTIFICATION LICENSE TO THE PRISONER, IF ELIGIBLE.

6 Sec. 4. Section 31-237, Arizona Revised Statutes, is amended to  
7 read:

8 31-237. Dedicated discharge accounts

9 A. Each wage earning prisoner who is committed to the department  
10 shall deposit into a dedicated discharge account of the prisoner a  
11 percentage of wages earned by the prisoner pursuant to section 31-254.  
12 The department shall continue to deposit the percentage of wages earned by  
13 the prisoner in the dedicated discharge account until the account  
14 registers a ~~two hundred fifty dollar~~ \$250 balance or, if the prisoner is  
15 serving a sentence of natural life, a ~~fifty dollar~~ \$50 balance.

16 B. The monies that are accumulated in the dedicated discharge  
17 account shall be distributed to the prisoner on the prisoner's discharge  
18 from the department or transfer to a community release status or to home  
19 arrest, except that the prisoner may use monies in the account before the  
20 prisoner is discharged or transferred for items and services that the  
21 prisoner will require immediately after being released or transferred.

22 C. Notwithstanding subsection B of this section, ~~prior to~~ BEFORE A  
23 PRISONER'S discharge the STATE department ~~shall~~ OF CORRECTIONS MAY  
24 withdraw from the prisoner's dedicated discharge account any applicable  
25 fees prescribed by title 28 or the ~~Arizona~~ department of transportation's  
26 ~~administrative~~ rules for the issuance of either a ~~state~~ driver license or  
27 a nonoperating identification license to the prisoner, if eligible.

APPROVED BY THE GOVERNOR MARCH 22, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 22, 2019.