

REFERENCE TITLE: developmental homes; monitoring

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

HB 2117

Introduced by
Representatives Barto: Allen J, Bolick, Weninger

AN ACT

AMENDING TITLE 36, CHAPTER 5.1, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 36-568; RELATING TO DEVELOPMENTAL DISABILITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 36, chapter 5.1, article 1, Arizona Revised
3 Statutes, is amended by adding section 36-568, to read:
4 36-568. Group homes; intermediate care facilities; electronic
5 monitoring; definition
6 A. A SERVICE PROVIDER THAT OPERATES A GROUP HOME OR AN INTERMEDIATE
7 CARE FACILITY FOR PERSONS WITH AN INTELLECTUAL DISABILITY MAY INSTALL
8 ELECTRONIC MONITORING DEVICES IN COMMON AREAS OF THE GROUP HOME OR
9 INTERMEDIATE CARE FACILITY. A SERVICE PROVIDER MUST ESTABLISH POLICIES
10 REGARDING THE GROUP HOME'S OR INTERMEDIATE CARE FACILITY'S USE OF
11 ELECTRONIC MONITORING BEFORE AN ELECTRONIC MONITORING DEVICE IS INSTALLED
12 THAT INCLUDE AT A MINIMUM:
13 1. CONSENT REQUIREMENTS CONSISTENT WITH SECTION 13-3019.
14 2. PUBLIC DISCLOSURE THAT AN ELECTRONIC MONITORING DEVICE IS IN USE
15 ON THE PROPERTY.
16 3. THE MAINTENANCE AND RETENTION SCHEDULE OF THE VIDEO.
17 4. WHO MAY ACCESS THE VIDEO.
18 5. HOW CONFIDENTIALITY AND PRIVACY ARE MAINTAINED.
19 6. HOW OFTEN THE VIDEO IS MONITORED OR REVIEWED BY THE SERVICE
20 PROVIDER OR THE SERVICE PROVIDER'S DESIGNEE.
21 B. THE SERVICE PROVIDER SHALL SUBMIT THE ELECTRONIC MONITORING
22 POLICIES ESTABLISHED PURSUANT TO SUBSECTION A OF THIS SECTION TO THE
23 DEPARTMENT BEFORE THE ELECTRONIC MONITORING DEVICE IS INSTALLED IN A GROUP
24 HOME OR INTERMEDIATE CARE FACILITY. IF A SERVICE PROVIDER USES AN
25 ELECTRONIC MONITORING DEVICE, THE SERVICE PROVIDER SHALL ESTABLISH
26 POLICIES CONSISTENT WITH SUBSECTION A OF THIS SECTION AND SUBMIT THE
27 POLICIES TO THE DEPARTMENT WITHIN NINETY DAYS AFTER THE EFFECTIVE DATE OF
28 THIS SECTION.
29 C. FOR THE PURPOSES OF THIS SECTION, "ELECTRONIC MONITORING
30 DEVICE":
31 1. MEANS A VIDEO SURVEILLANCE CAMERA INSTALLED IN A COMMON AREA OF
32 A GROUP HOME OR INTERMEDIATE CARE FACILITY.
33 2. DOES NOT INCLUDE AN ELECTRONIC, MECHANICAL OR OTHER DEVICE THAT
34 IS SPECIFICALLY USED FOR THE NONCONSENSUAL INTERCEPTION OF WIRE OR
35 ELECTRONIC COMMUNICATIONS.