



ARIZONA HOUSE OF REPRESENTATIVES

HB 2661: prisoners; recidivism reduction release credit

PRIME SPONSOR: Representative Allen J, LD 15

BILL STATUS: [Judiciary](#)

Overview

Permits an eligible prisoner to obtain, by participating in evidence-based recidivism reduction programming or productive activities provided by the Arizona Department of Corrections (ADC), an additional one earned release credit for every six days served

History

Eligible state prisoners can serve up to approximately 15% less time in prison by obtaining *earned release credits* ([A.R.S. § 41-1604.07](#)). To obtain earned release credits, prisoners must adhere to ADC rules and receive satisfactory performance evaluations, and may be required to participate in work, educational, treatment, or training programs ([A.R.S. § 41-1604.06\(B\)](#), [ADC Department Order 1002.01 § 1.4](#)). One earned release credit allows the prisoner to spend one fewer day incarcerated.

ADC may reclassify a prisoner as ineligible for earned release credits if the prisoners fails to follow rules or to participate in work, educational, treatment, or training programs ([A.R.S. § 41-1604.07\(C\)](#)). The prisoner has a right to a hearing before such reclassification ([A.R.S. § 41-1604.06\(C\)](#)). If the prisoner is reclassified as ineligible for earned release credits, the director may take away all of the prisoner's earned release credits ([A.R.S. § 41-1604.07\(C\)](#)). ADC also has discretion later to restore those credits.

Except for in some cases involving sexually violent prisoners, once the prisoner's time served (including earned release credit days) equals the sentence imposed by the court, ADC must release the prisoner into court-ordered community supervision or probation ([A.R.S. § 41-1604.07\(D\)](#)). ADC may order such a prisoner released into community supervision to participate in drug treatment, education, or rehabilitation programs, to obtain counseling, or to perform community restitution ([A.R.S. § 41-1604.07\(F\)](#)).

Provisions

1. Permits an eligible prisoner to obtain, by participating in evidence-based recidivism reduction programming or productive activities provided by ADC, an additional one earned release credit for every six days served.
2. Excludes from those eligible for additional earned release credits:
 - a. A prisoner convicted of a dangerous offense; or
 - b. A prisoner sentenced to death or life imprisonment.
3. States that earned release credits do not reduce the term of imprisonment imposed by the court.
4. Makes conforming changes.

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note