



ARIZONA HOUSE OF REPRESENTATIVES

SB 1310: earned release credits; drug offenses

S/E: joint study committee; earned release credits

PRIME SPONSOR: Senator Farnsworth E, LD 12

BILL STATUS: [Judiciary](#)

Summary of the Strike-Everything Amendment to SB 1310

Overview

Establishes the Joint Study Committee on Prisoner Earned Release Credits (Committee)

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](#)). One earned release credit allows the prisoner to spend one fewer day incarcerated, and credits are earned at a rate of one credit for every six days served ([A.R.S. § 41-01604.07](#)). To obtain earned release credits, prisoners must adhere to Arizona Department of Corrections (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](#)).

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. Establishes the Committee, consisting of:
 - a. Three members of the Senate, with two appointed by the President of the Senate and one appointed by the Senate Minority Leader;
 - b. Three members of the House of Representatives, with two appointed by the Speaker of the House and one appointed by the House Minority Leader;
 - c. The Maricopa County Attorney or his designee;
 - d. The Pima County Public Defender or his designee; and
 - e. The Director of the Arizona Department of Corrections or his designee.
2. Requires the Committee to research and make recommendations on earned release credits for prisoners.

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

3. Requires the Committee to submit a report regarding its findings and recommendations by December 31, 2019 to the Governor, the President of the Senate, and the Speaker of the House, and to provide a copy of the report to the Secretary of State.
4. Permits the Committee to request information, data, and reports from any state agency or political subdivision, including the courts.
5. Permits the Committee to hold public hearings, conduct fact-finding tours, and take testimony from witnesses.
6. Requires the Legislature to provide staff and support services to the Committee.
7. Requires the state agencies and political subdivisions to provide information to the Committee electronically, if possible.
8. Provides that Committee members are not eligible for compensations.
9. Contains a repeal date of July 1, 2020.