

REFERENCE TITLE: prisoner injuries; monetary judgments; reimbursement

State of Arizona
House of Representatives
Fifty-fourth Legislature
Second Regular Session
2020

HB 2140

Introduced by
Representative Kern

AN ACT

AMENDING SECTION 12-1721, ARIZONA REVISED STATUTES; RELATING TO MONETARY
JUDGMENT AWARDED 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 12-1721, Arizona Revised Statutes, is amended to
3 read:

4 12-1721. Monetary judgment awarded to prisoners: outstanding
5 restitution, medical care costs and incarceration
6 costs; definition

7 A. In any civil action, a monetary judgment may not be paid to a
8 person who is or was previously incarcerated in the state department of
9 corrections before all restitution, MEDICAL CARE COSTS and incarceration
10 costs owed by the person are paid if the monetary judgment is against this
11 state, a political subdivision of this state, any prison, jail or
12 correctional facility or any officer or agent of a prison, jail or
13 correctional facility. If the monetary judgment is not sufficient to pay
14 ~~both~~ restitution, MEDICAL CARE COSTS and incarceration costs that are
15 owed, the monetary judgment must first be used to pay any outstanding
16 restitution and a portion of any remaining balance may be set off and used
17 to pay outstanding incarceration costs pursuant to section 31-238 AND
18 MEDICAL CARE COSTS.

19 B. If the victim was ordered by the court to receive restitution
20 through the clerk of the superior court, this state, the political
21 subdivision of this state or the prison, jail or correctional facility
22 that was ordered to satisfy the monetary judgment shall transfer enough of
23 the monetary judgment to pay the remaining balance of the restitution
24 order to the clerk of the superior court for distribution to the victim.

25 C. If money is transferred to a clerk of the superior court
26 pursuant to subsection B of this section, this state, the political
27 subdivision of this state or the prison, jail or correctional facility
28 must also provide the clerk with the following information at the time of
29 the transfer:

30 1. A copy of the monetary judgment.

31 2. The defendant's name and the case number of each case where
32 restitution is owed.

33 3. The name and address of the transferring entity.

34 D. FOR THE PURPOSES OF THIS SECTION, "MEDICAL CARE COSTS" INCLUDES
35 THE COSTS THAT THIS STATE INCURS FOR A PERSON'S MEDICAL CARE WHILE
36 INCARCERATED AND THAT ARE DIRECTLY ATTRIBUTABLE TO AN INJURY THE PERSON
37 SUFFERED WHILE ENGAGED IN PRODUCTIVE WORK IN ANY PRISON OR CORRECTIONAL
38 FACILITY UNDER THE JURISDICTION OF THE STATE DEPARTMENT OF CORRECTIONS OR
39 A PRIVATE PRISON UNDER CONTRACT WITH THE STATE DEPARTMENT OF CORRECTIONS
40 AS PART OF THE PRISON INDUSTRIES PROGRAM OR WHILE ENGAGED IN PRODUCTIVE
41 WORK FOR A PRIVATE PERSON, FIRM, CORPORATION OR ASSOCIATION UNDER A
42 CONTRACT PURSUANT TO SECTION 41-1624.01.