

REFERENCE TITLE: **release credits; prisoners**

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
First Regular Session  
2021

## **HB 2713**

Introduced by  
Representatives Blackman: Andrade, Biasiucci, Bolding, Bolick, Burges,  
Cano, Carroll, Fillmore, Hernandez A, John, Pawlik, Rodriguez, Shah,  
Sierra, Stahl Hamilton, Toma, Wilmeth, Senator Engel

**AN ACT**

**AMENDING SECTIONS 13-4413, 31-229.02, 31-281 AND 41-1604.07, 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 13-4413, Arizona Revised Statutes, is amended to  
3 read:

4 13-4413. Notice of prisoner's status

5 A. If the victim has made a request for ~~post-conviction~~  
6 **POSTCONVICTION** notice, the director of the state department of corrections  
7 shall mail to the victim the following information about a prisoner in the  
8 custody of the **STATE** department of corrections:

9 1. Within thirty days after the request, notice of the earliest  
10 release date of the prisoner if ~~his~~ **THE PRISONER'S** sentence exceeds six  
11 months.

12 2. At least fifteen days before the prisoner's release, notice of  
13 the release.

14 3. Within fifteen days after the prisoner's death, notice of the  
15 death.

16 4. **WITHIN THIRTY DAYS AFTER THE PRISONER QUALIFIES FOR EARNED**  
17 **RELEASE CREDITS PURSUANT TO SECTION 41-1604.07, SUBSECTION B, PARAGRAPH 2,**  
18 **NOTICE OF THE EARLIEST RELEASE DATE OF THE PRISONER.**

19 B. If the victim has made a request for ~~post-conviction~~  
20 **POSTCONVICTION** notice, the sheriff having custody of the prisoner shall  
21 mail to the victim notice of release at least fifteen days before the  
22 prisoner's release or notice of death within fifteen days after the  
23 prisoner's death.

24 Sec. 2. Section 31-229.02, Arizona Revised Statutes, is amended to  
25 read:

26 31-229.02. Functionally literate inmates

27 A. ~~Except as provided in section 41-1604.07, subsection F, if an~~  
28 **ON ADMISSION TO THE DEPARTMENT, THE DIRECTOR SHALL MAKE LITERACY**  
29 **PROGRAMMING AND A STANDARDIZED ASSESSMENT EXAMINATION AVAILABLE TO EACH**  
30 inmate ~~fails to achieve~~ **WHO HAS NOT DEMONSTRATED** functional literacy at an  
31 eighth grade literacy level before the inmate becomes eligible for release  
32 pursuant to section 41-1604.07, ~~the inmate is not eligible to begin the~~  
33 ~~inmate's term of community supervision until either the inmate achieves an~~  
34 ~~eighth grade functional literacy level as measured by standardized~~  
35 ~~assessment testing or the inmate serves the full term of imprisonment~~  
36 ~~imposed by the court, whichever first occurs.~~ **THE DIRECTOR SHALL MAKE THE**  
37 **DETERMINATION OF ELIGIBILITY AND PROVIDE THE STANDARDIZED ASSESSMENT**  
38 **TESTING FOR EACH INMATE BEFORE THE EARLIEST DATE THAT THE INMATE BECOMES**  
39 **ELIGIBLE FOR RELEASE.**

40 B. This section does not apply to inmates who are any of the  
41 following:

42 1. Unable to ~~meet the~~ **DEMONSTRATE** functional literacy ~~standard~~ **AT**  
43 **AN EIGHTH GRADE LITERACY LEVEL AS** required by subsection A of this  
44 section, due to a medical, developmental or learning disability as  
45 described in section 31-229, subsection C.

- 1           2. Classified as level five offenders.
- 2           3. Foreign nationals.
- 3           4. Inmates who have less than six months incarceration to serve on
- 4 commitment to the department.

5           ~~5. Released pursuant to section 41-1604.07, subsection B,~~  
6 ~~paragraph 1.~~

7           Sec. 3. Section 31-281, Arizona Revised Statutes, is amended to  
8 read:

9           31-281. Transition program; report; definition

10          A. The department shall establish a transition program that  
11 provides eligible inmates with transition services in the community for up  
12 to ninety days. The department shall administer the transition program  
13 and contract with private or nonprofit entities to provide eligible  
14 inmates with transition services and shall procure transition services  
15 pursuant to title 41, chapter 23.

16          B. The director shall adopt rules to implement this article. The  
17 rules shall include:

18           1. Eligibility criteria for receiving a contracted entity's  
19 transition services. To be eligible, at a minimum, an inmate shall:

20           (a) Not have been convicted of a sexual offense pursuant to title  
21 13, chapter 14 or a violation of title 13, chapter 17.

22           (b) Be classified by the state department of corrections as a low  
23 violence risk to the community.

24           (c) Not have been convicted of a violent crime as defined in  
25 section 13-901.03 or a domestic violence offense pursuant to section  
26 13-3601.

27           (d) Not have any felony detainers.

28           (e) Agree in writing to provide specific information after the  
29 inmate is released. The department shall use the information to prepare  
30 the report prescribed by subsection D, paragraph 3 of this section.

31           (f) Have made satisfactory progress by complying with all  
32 programming on the inmate's individualized corrections plan as determined  
33 by the department.

34           (g) Be classified by the department as minimum or medium custody as  
35 determined by an objective risk assessment.

36           (h) Not have been found in violation of any major violent rule  
37 during the inmate's current period of incarceration or in violation of any  
38 other major rule within the previous six months. For the purposes of this  
39 subdivision, an accumulation of minor rule violations does not equal a  
40 major rule violation.

41           2. A requirement that each contracted entity train mentors or  
42 certify that mentors are trained.

43           3. A requirement that the services offered to an inmate include  
44 psychoeducational counseling and case management services as determined by  
45 the department. The counseling and services may include substance abuse

1 treatment, anger management, cognitive behavioral therapy, parenting  
2 skills and family reunification training, further education and job  
3 placement.

4 4. A requirement that an inmate may be released pursuant to this  
5 article only after the victim has been provided notice and an opportunity  
6 to be heard. The department shall provide notice to a victim who has  
7 provided a current address or other contact information. The notice shall  
8 inform the victim of the opportunity to be heard on the early release.  
9 Any objection to the inmate's early release must be made within twenty  
10 days after the department has mailed the notice to the victim.

11 C. In awarding contracts under this section the department shall  
12 comply with section 41-3751.

13 D. The department shall:

14 1. Conduct an annual study to determine the recidivism rate of  
15 inmates who receive a contracted entity's services pursuant to this  
16 article. The study shall include the recidivism rate of inmates who have  
17 been released from incarceration for a minimum of three years after  
18 release.

19 2. Evaluate the inmate and provide the information to the  
20 contracted entity.

21 3. Submit a written report to the governor, the president of the  
22 senate and the speaker of the house of representatives on or before  
23 July 31 of each year and provide a copy of this report to the secretary of  
24 state. The report may be submitted electronically. The report shall  
25 contain the following information:

26 (a) The recidivism rate of inmates who receive services pursuant to  
27 this article, including the recidivism rate of inmates who have been  
28 released from incarceration for a minimum of three years after release.

29 (b) The number of inmates who received services pursuant to this  
30 article.

31 (c) The number of inmates who were not provided services pursuant  
32 to this article and who were on a list waiting to receive services.

33 (d) The types of services provided.

34 (e) The number of inmates who received each type of service  
35 provided.

36 4. Provide information about the transition program to all inmates  
37 who are not serving a life sentence on admission to prison and to any  
38 inmate who is potentially eligible for the transition program six months  
39 before the inmate's eligibility date. The information must include all of  
40 the admission requirements to the transition program, including the  
41 disqualifying factors under this section.

42 E. Notwithstanding subsection B, paragraph 1 of this section, if an  
43 inmate agrees to comply with any condition that is established and  
44 required by section 41-1604.07, subsection ~~F~~ H, has been convicted of the  
45 possession or use of marijuana pursuant to section 13-3405, subsection A,

1 paragraph 1, possession or use of a dangerous drug pursuant to section  
2 13-3407, subsection A, paragraph 1, possession or use of a narcotic drug  
3 pursuant to section 13-3408, subsection A, paragraph 1 or possession or  
4 use of drug paraphernalia pursuant to section 13-3415, subsection A and is  
5 not concurrently serving another sentence for an offense that is not  
6 listed in this subsection, the inmate is eligible for and shall be  
7 released to enter the transition program. The director may not exclude an  
8 inmate who is eligible for the transition program pursuant to this  
9 subsection because the inmate does not have a place to reside before being  
10 released, except that the director shall exclude an inmate who has any of  
11 the following:

12 1. Previously been convicted of a violent crime as defined in  
13 section 13-901.03 or an offense listed in title 13, chapter 14 or 35.1.

14 2. A felony detainer.

15 3. Been found to be in violation of a major violent rule during the  
16 inmate's current period of incarceration or to be in violation of any  
17 other major rule within the previous six months. For the purposes of this  
18 paragraph, an accumulation of minor rule violations does not equal a major  
19 rule violation.

20 4. Previously been released pursuant to this section and violated a  
21 term of the inmate's release.

22 ~~5. Failed to achieve functional literacy as required by section~~  
23 ~~41-1604.07, subsection E, unless the inmate is enrolled in a program that~~  
24 ~~prepares the inmate to achieve functional literacy.~~

25 ~~6.~~ 5. Been classified by the department as close or maximum  
26 custody as determined by a current and objective risk assessment.

27 ~~7.~~ 6. Refused enrollment in or been removed for poor behavior from  
28 a major self-improvement program within the previous eighteen months  
29 unless the inmate has subsequently enrolled in and completed the major  
30 self-improvement program.

31 F. For the purposes of this section, "recidivism" means  
32 reincarceration in the department for any reason.

33 Sec. 4. Section 41-1604.07, Arizona Revised Statutes, is amended to  
34 read:

35 41-1604.07. Earned release credits; recidivism reduction  
36 release credits; forfeiture; restoration;  
37 released prisoner health care; annual report

38 A. Pursuant to rules adopted by the director, each prisoner who is  
39 in the eligible earned release credit class shall be allowed an earned  
40 release credit as set forth in subsection B of this section, including  
41 time served in county jails, except for those prisoners who are sentenced  
42 to serve the full term of imprisonment imposed by the court.

43 B. The earned release credit is:

44 1. ONE DAY FOR EVERY SIX DAYS SERVED.

1           ~~1.~~ 2. IN ADDITION TO THE EARNED RELEASE CREDIT UNDER PARAGRAPH 1  
2 OF THIS SUBSECTION, ~~three~~ FIVE days for every ~~seven~~ SIX days served if the  
3 prisoner:

4           ~~(a) Was sentenced to a term of imprisonment for the possession or~~  
5 ~~use of marijuana pursuant to section 13-3405, subsection A, paragraph 1,~~  
6 ~~the possession or use of a dangerous drug pursuant to section 13-3407,~~  
7 ~~subsection A, paragraph 1, the possession or use of a narcotic drug~~  
8 ~~pursuant to section 13-3408, subsection A, paragraph 1 or the possession~~  
9 ~~of drug paraphernalia pursuant to section 13-3415.~~

10           ~~(b) Has successfully completed a drug treatment program or other~~  
11 ~~major self-improvement program provided by the department during the~~  
12 ~~prisoner's term of imprisonment.~~

13           (a) WAS SENTENCED TO A TERM OF IMPRISONMENT FOR A DRUG OFFENSE  
14 INCLUDED IN TITLE 13, CHAPTER 34 EXCEPT FOR A CONVICTION THAT INVOLVES THE  
15 SALE OF ANY SUBSTANCE TO A MINOR.

16           (b) IS NOT SERVING A SENTENCE FOR A SERIOUS OFFENSE OR A VIOLENT OR  
17 AGGRAVATED FELONY AS DEFINED IN SECTION 13-706 OR A DANGEROUS CRIME  
18 AGAINST CHILDREN AS DEFINED IN SECTION 13-705 OR A PREVIOUS CONVICTION FOR  
19 AN OFFENSE COMMITTED IN ANOTHER JURISDICTION THAT IF COMMITTED IN THIS  
20 STATE WOULD BE A VIOLATION OF ANY OF THE OFFENSES LISTED IN THIS  
21 SUBDIVISION.

22           (c) HAS SUCCESSFULLY COMPLETED A DRUG OR SUBSTANCE ABUSE TREATMENT  
23 PROGRAM, EDUCATIONAL PROGRAM, PSYCHO-EDUCATION PROGRAM, VOCATIONAL  
24 PROGRAM, SKILLS-BASED WORK PROGRAM, REENTRY PROGRAM OR OTHER MAJOR  
25 SELF-IMPROVEMENT PROGRAM PROVIDED BY THE DEPARTMENT DURING THE PRISONER'S  
26 TERM OF IMPRISONMENT OR HAS ACTIVELY PARTICIPATED FOR A MINIMUM OF SIX  
27 MONTHS IN AN INTERGOVERNMENTAL AGREEMENT OR AN ARIZONA CORRECTIONAL  
28 INDUSTRIES WORK PROGRAM THAT IS APPROVED BY THE DEPARTMENT.

29           3. IF THE PRISONER IS NOT ELIGIBLE FOR EARNED RELEASE CREDIT UNDER  
30 PARAGRAPH 2 OF THIS SUBSECTION, IN ADDITION TO THE EARNED RELEASE CREDIT  
31 UNDER PARAGRAPH 1 OF THIS SUBSECTION, TWO DAYS FOR EVERY SIX DAYS SERVED  
32 IF THE PRISONER:

33           ~~(c)~~ (a) IS NOT SERVING A SENTENCE FOR OR has not previously been  
34 convicted of, WHETHER COMPLETED OR PREPARATORY, a SERIOUS OFFENSE OR  
35 violent or aggravated felony as defined in section 13-706, A DANGEROUS  
36 CRIME AGAINST CHILDREN AS DEFINED IN SECTION 13-705 OR A PREVIOUS  
37 CONVICTION FOR AN OFFENSE COMMITTED IN ANOTHER JURISDICTION THAT IF  
38 COMMITTED IN THIS STATE WOULD BE A VIOLATION OF ANY OF THE OFFENSES LISTED  
39 IN THIS SUBDIVISION.

40           (b) HAS SUCCESSFULLY COMPLETED A DRUG OR SUBSTANCE ABUSE TREATMENT  
41 PROGRAM, EDUCATIONAL PROGRAM, PSYCHO-EDUCATION PROGRAM, VOCATIONAL  
42 PROGRAM, SKILLS-BASED WORK PROGRAM, REENTRY PROGRAM OR OTHER MAJOR  
43 SELF-IMPROVEMENT PROGRAM PROVIDED BY THE DEPARTMENT DURING THE PRISONER'S  
44 TERM OF IMPRISONMENT OR HAS ACTIVELY PARTICIPATED FOR A MINIMUM OF SIX

1 MONTHS IN AN INTERGOVERNMENTAL AGREEMENT OR AN ARIZONA CORRECTIONAL  
2 INDUSTRIES WORK PROGRAM THAT IS APPROVED BY THE DEPARTMENT.

3 ~~2. One day for every six days served if the prisoner was sentenced~~  
4 ~~to a term of imprisonment for an offense not listed in paragraph 1 of this~~  
5 ~~subsection.~~

6 C. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, A PREVIOUS  
7 CONVICTION FOR A VIOLENT OR AGGRAVATED FELONY AS DEFINED IN SECTION 13-706  
8 APPLIES ONLY TO A PRISONER WHO COMMITTED THE OFFENSE WHEN THE PRISONER WAS  
9 AT LEAST EIGHTEEN YEARS OF AGE.

10 ~~C.~~ D. Release credits earned by a prisoner pursuant to subsections  
11 A and B of this section shall not reduce the ~~term of imprisonment~~ SENTENCE  
12 imposed by the court on the prisoner.

13 ~~D.~~ E. On reclassification of a prisoner resulting from the  
14 prisoner's failure to adhere to the rules of the department or failure to  
15 demonstrate a continual willingness to volunteer for or successfully  
16 participate in a work, educational, treatment or training program, the  
17 director may declare all OR A PORTION OF THE release credits earned by the  
18 prisoner forfeited. In the discretion of the director, forfeited release  
19 credits may subsequently be restored. The director shall maintain an  
20 account of release credits earned by each prisoner.

21 F. A PRISONER WHOSE RELEASE CREDITS ARE FORFEITED MAY APPLY FOR  
22 RESTORATION OF THE RELEASE CREDITS IF THE PRISONER HAS AT LEAST THREE  
23 MONTHS AND NOT MORE THAN FIVE YEARS OF INCARCERATION REMAINING. A  
24 PRISONER MAY APPLY FOR RESTORATION OF THE RELEASE CREDITS SIX MONTHS AFTER  
25 THE DATE THAT THE PRISONER WAS FOUND GUILTY OF A DISCIPLINARY VIOLATION OR  
26 THE DATE THAT THE DIRECTOR DECLARED ALL OR A PORTION OF THE PRISONER'S  
27 EARNED RELEASE CREDITS FORFEITED, WHICHEVER IS EARLIER. A PRISONER WHO IS  
28 SERVING A CONSECUTIVE SENTENCE FOR MULTIPLE CONVICTIONS STEMMING FROM THE  
29 SAME CRIMINAL CASE MAY APPLY FOR RESTORATION OF THE RELEASE CREDITS EARNED  
30 FOR THE FIRST SENTENCE TO BE APPLIED TO THE PRISONER'S CURRENT SENTENCE  
31 SIX MONTHS AFTER THE DATE THAT THE PRISONER WAS FOUND GUILTY OF A  
32 DISCIPLINARY VIOLATION OR THE DATE THAT THE DIRECTOR DECLARED ALL OR A  
33 PORTION OF THE PRISONER'S EARNED RELEASE CREDITS FORFEITED, WHICHEVER IS  
34 EARLIER.

35 ~~E.~~ G. A prisoner who has reached the prisoner's earned release  
36 date or sentence expiration date shall be released to begin the prisoner's  
37 term of community supervision imposed by the court or term of probation if  
38 the court waived community supervision pursuant to section 13-603, except  
39 that the director may deny or delay the prisoner's release to community  
40 supervision or probation if the director believes the prisoner may be a  
41 sexually violent person as defined in section 36-3701 until the screening  
42 process is complete and the director determines that the prisoner will not  
43 be referred to the county attorney pursuant to section 36-3702. If the  
44 term of community supervision is waived, the state department of  
45 corrections shall provide reasonable notice to the probation department of

1 the scheduled release of the prisoner from confinement by the department.  
2 If the court waives community supervision, the director shall issue the  
3 prisoner an absolute discharge on the prisoner's earned release credit  
4 date. A prisoner who is released on the earned release credit date to  
5 serve a term of probation is not under the control of the state department  
6 of corrections when community supervision has been waived and the state  
7 department of corrections is not required to provide parole services.

8 ~~F. Notwithstanding subsection E of this section, a prisoner who~~  
9 ~~fails to achieve functional literacy at an eighth grade literacy level by~~  
10 ~~failing the standardized assessment test shall not be released to begin~~  
11 ~~the prisoner's term of community supervision until either the prisoner~~  
12 ~~achieves an eighth grade functional literacy level as measured by~~  
13 ~~standardized assessment testing, the prisoner is released to enter the~~  
14 ~~transition program established by section 31-281 and is enrolled in a~~  
15 ~~program that prepares the prisoner to achieve functional literacy or the~~  
16 ~~prisoner serves the full term of imprisonment imposed by the court,~~  
17 ~~whichever first occurs. This subsection does not apply to inmates who~~  
18 ~~either:~~

19 ~~1. Are unable to meet the functional literacy standard required by~~  
20 ~~section 31-229.02, subsection A due to a medical, developmental or~~  
21 ~~learning disability as described in section 31-229, subsection C.~~

22 ~~2. Are classified as level five offenders.~~

23 ~~3. Are foreign nationals.~~

24 ~~4. Have less than six months of incarceration to serve on~~  
25 ~~commitment to the department.~~

26 ~~5. Are released pursuant to subsection B, paragraph 1 of this~~  
27 ~~section.~~

28 ~~G.~~ H. The department shall establish conditions of community  
29 supervision it deems appropriate in order to ensure that the best  
30 interests of the prisoner and the citizens of this state are served. As a  
31 condition of community supervision, the director:

32 1. May order a released prisoner to participate in an appropriate  
33 drug treatment or education program that is administered by a qualified  
34 agency, organization or individual approved by the department of health  
35 services and that provides treatment or education to persons who abuse  
36 controlled substances. **THE DIRECTOR MAY ORDER** each person who is enrolled  
37 in a drug treatment or education program ~~shall~~ **TO** pay for the cost of  
38 participation in the program to the extent of the person's financial  
39 ability.

40 2. May order additional conditions, including participation in a  
41 rehabilitation program or counseling and performance of community  
42 restitution work.

43 3. ~~Unless the prisoner is released pursuant to subsection B,~~  
44 ~~paragraph 1 of this section,~~ May order a prisoner to apply for health care  
45 benefits through the Arizona health care cost containment system before



1 being released. The state department of corrections shall enter into an  
 2 enrollment suspense agreement with the Arizona health care cost  
 3 containment system to reinstate benefits for prisoners who were sentenced  
 4 to twelve months or less and who were previously enrolled in the Arizona  
 5 health care cost containment system immediately before incarceration. For  
 6 all other prisoners, the state department of corrections shall submit a  
 7 prerelease application to the Arizona health care cost containment system  
 8 at least thirty days before the prisoner's release date. The state  
 9 department of corrections may coordinate with community-based  
 10 organizations or the department of economic security to assist prisoners  
 11 in applying for enrollment in the Arizona health care cost containment  
 12 system.

13 4. Shall impose, if the prisoner was convicted of a violation of  
 14 sexual conduct with a minor under fifteen years of age or molestation of a  
 15 child under fifteen years of age, a prohibition on residing within four  
 16 hundred forty feet of a school or its accompanying grounds. For the  
 17 purposes of this paragraph, "school" means any public, charter or private  
 18 school where children attend classes.

19 ~~I.~~ I. The director may exchange a prisoner's health care  
 20 information with the regional behavioral health authority or Arizona  
 21 health care cost containment system justice system contact to facilitate  
 22 the transition to care for released prisoners to access the full array of  
 23 behavioral and physical health care services, including medication,  
 24 counseling, case management, substance abuse treatment, and parenting  
 25 skills and family reunification training. The director shall adopt  
 26 policies and procedures that establish a care team to convene and discuss  
 27 the services and resources, including housing and employment supports,  
 28 that may be needed for the released prisoner to safely transition into the  
 29 community. The care team shall be managed by the regional behavioral  
 30 health authority or Arizona health care cost containment system contractor  
 31 and may include the health care provider that is identified by and has a  
 32 contract with the regional behavioral health authority or Arizona health  
 33 care cost containment system contractor. The care team may also include  
 34 representatives of nonprofit organizations that specialize in assisting  
 35 prisoners who are transitioning back into the community and other  
 36 organizations that link prisoners to additional services, including  
 37 housing and employment.

38 ~~I.~~ J. If a prisoner who reaches the prisoner's earned release  
 39 credit date refuses to sign and agree to abide by the conditions of  
 40 supervision before release on community supervision, the prisoner shall  
 41 not be released. When the prisoner reaches the sentence expiration date,  
 42 the prisoner shall be released to begin the term of community supervision.  
 43 If the prisoner refuses to sign and agree to abide by the conditions of  
 44 release, the prisoner shall not be released on the sentence expiration  
 45 date and shall serve the term of community supervision in prison. The

1 department is required to supervise any prisoner on community supervision  
2 until the period of community supervision expires. The department may  
3 bring a prisoner who is in violation of the prisoner's terms and  
4 conditions before the board of executive clemency.

5 ~~J.~~ K. The director, pursuant to rules adopted by the department,  
6 shall authorize the release of any prisoner on the prisoner's earned  
7 release credit date to serve any consecutive term imposed on the prisoner.  
8 The release shall be for the sentence completed only. The prisoner shall  
9 remain under the custody and control of the department. The director may  
10 authorize the rescission of the release to any consecutive term if the  
11 prisoner fails to adhere to the rules of the department.

12 ~~K.~~ L. If a prisoner absconds from community supervision, any time  
13 spent before the prisoner is returned to custody is excluded in  
14 calculating the remaining period of community supervision.

15 ~~L.~~ M. A prisoner shall forfeit five days of the prisoner's earned  
16 release credits:

17 1. If the court finds or a disciplinary hearing held after a review  
18 by and recommendations from the attorney general's office determines that  
19 the prisoner does any of the following:

20 (a) Brings a claim **KNOWING IT IS** without substantial justification.

21 (b) Unreasonably expands or delays a proceeding.

22 (c) Testifies falsely or otherwise presents false information or  
23 material to the court.

24 (d) Submits a claim that is intended solely to harass the party it  
25 is filed against.

26 2. For each time the prisoner tests positive for any prohibited  
27 drugs during the period of time the prisoner is incarcerated.

28 ~~M.~~ N. If the prisoner does not have five days of earned release  
29 credits, the prisoner shall forfeit the prisoner's existing earned release  
30 credits and shall be ineligible from accruing earned release credits until  
31 the number of earned release credits the prisoner would have otherwise  
32 accrued equals the difference between five days and the number of existing  
33 earned release credit days the prisoner forfeits pursuant to this section.

34 ~~N. O. The director may authorize temporary release on inmate~~  
35 ~~status of eligible inmates~~ Pursuant to rules adopted by the director **AND**  
36 **POSTED ON THE DEPARTMENT'S WEBSITE, THE DIRECTOR MAY AUTHORIZE TEMPORARY**  
37 **RELEASE ON INMATE STATUS OF ELIGIBLE INMATES** within ninety days of any  
38 other authorized release date. The release authorization applies to any  
39 inmate who has been convicted of a drug offense, who has been determined  
40 to be eligible for participation in the transition program pursuant to  
41 section 31-281 and who has agreed to participate in the transition  
42 program.

43 ~~O.~~ P. On admission, the department shall provide notice to any  
44 prisoner who is potentially eligible for earned release credit pursuant to

1 subsection B, ~~paragraph 1~~ of this section. The notice must include all of  
2 the eligibility requirements under this section.

3 ~~P. Q. The department shall do~~ ON OR BEFORE DECEMBER 31 OF EACH  
4 YEAR, THE DIRECTOR SHALL PREPARE AND SUBMIT A REPORT TO THE GOVERNOR, THE  
5 PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES  
6 AND SHALL PROVIDE A COPY OF THE REPORT TO THE SECRETARY OF STATE. THE  
7 REPORT SHALL INCLUDE all of the following INFORMATION:

8 1. ~~Annually report~~ The recidivism rate of prisoners WHO ARE  
9 released pursuant to subsection B, ~~paragraph 1~~ of this section for a  
10 minimum of three years after release.

11 ~~2. Report the following information at the end of each fiscal~~  
12 ~~quarter:~~

13 ~~(a)~~ 2. The number of prisoners BY INSTITUTION who received earned  
14 release credits PURSUANT TO SUBSECTION B OF THIS SECTION for each month of  
15 the reporting period and the percentage of the total prison population  
16 that received earned release credits.

17 ~~(b)~~ 3. The number of prisoners who were eligible for earned  
18 release credit pursuant to subsection B, ~~paragraph 1~~ of this section and  
19 for each of these prisoners, the following information:

20 ~~(i)~~ (a) The most serious crime for which each prisoner is  
21 receiving earned release ~~credit~~ CREDITS.

22 ~~(ii)~~ (b) The mean and median length of the prison sentences.

23 ~~(iii)~~ (c) Whether the prisoner received earned release credits  
24 each month of the reporting period.

25 ~~(c)~~ 4. The number of prisoners BY INSTITUTION who participated in  
26 ~~a program~~ PROGRAMMING that is described in subsection B, ~~paragraph 1,~~  
27 ~~subdivision (b)~~ of this section in each month of the reporting period,  
28 including the percentage of the total prison population that has  
29 participated in those programs.

30 5. THE NUMBER OF EARNED RELEASE CREDITS FORFEITED BY PRISONERS BY  
31 INSTITUTION IN EACH MONTH OF THE REPORTING PERIOD AND THE REASON WHY THE  
32 EARNED RELEASE CREDIT WAS FORFEITED.

33 ~~(d)~~ 6. The number of prisoners BY INSTITUTION who are eligible for  
34 release into the transition program established pursuant to section 31-281  
35 in each month of the reporting period and the percentage of the total  
36 prison population that is eligible for release into the transition  
37 program. For eligible prisoners, the report shall include the following  
38 information:

39 ~~(i)~~ (a) The most serious crime for which each prisoner is serving  
40 a sentence.

41 ~~(ii)~~ (b) The mean and median length of the prison sentences.

42 ~~(iii)~~ (c) The mean and median length of time served by the  
43 prisoners.

44 ~~(e)~~ 7. The number of prisoners who are enrolled in the transition  
45 program in each month of the reporting period, including the percentage of

1 the total prison population that is enrolled in the transition program.  
2 For enrolled prisoners, the report shall include the following  
3 information:

4 ~~(i)~~ (a) The most serious crime for which each prisoner is serving  
5 a sentence.

6 ~~(ii)~~ (b) The mean and median length of the prison sentences.

7 ~~(iii)~~ (c) The mean and median length of time served by the  
8 prisoners.

9 ~~(f)~~ 8. The number of prisoners BY INSTITUTION who are released  
10 into the transition program in each month of the reporting period,  
11 including the percentage of the total prison population that is released  
12 into the transition program. For released prisoners, the report shall  
13 include the following information:

14 ~~(i)~~ (a) The most serious crime for which each prisoner is serving  
15 a sentence.

16 ~~(ii)~~ (b) The mean and median length of the prison sentences.

17 ~~(iii)~~ (c) The mean and median length of time that the prisoners  
18 served.

19 ~~(g)~~ 9. The six-month success, return to custody and new conviction  
20 rates for prisoners who are released to a transition program.

21 ~~(h)~~ 10. The one-year success, return to custody and new conviction  
22 rates for prisoners who are released to a transition program.

23 ~~(i)~~ 11. The two-year success, return to custody and new conviction  
24 rates for prisoners who are released to a transition program.

25 ~~(j)~~ 12. The three-year success, return to custody and new  
26 conviction rates for prisoners who are released to a transition program.

27 ~~(k)~~ 13. The number of prisoners BY INSTITUTION who received  
28 treatment for substance abuse during the first half of the prisoner's  
29 total sentence and the percentage of the total prison population that  
30 received treatment for substance abuse during the first half of the  
31 prisoners' total sentence. For prisoners who received treatment for  
32 substance abuse according to this subdivision, THE report shall include  
33 the following information:

34 ~~(i)~~ (a) The most serious crime committed by each prisoner.

35 ~~(ii)~~ (b) The mean and median length of the prison sentences.

36 ~~(iii)~~ (c) Whether the prisoners received treatment for substance  
37 abuse each month of the reporting period.

38 Sec. 5. Applicability

39 A. This act applies to prisoners who are serving a term of  
40 imprisonment in the state department of corrections on or after the  
41 effective date of this act.

42 B. On the effective date of this act, a prisoner who met the  
43 eligibility requirements of section 41-1604.07, subsection B, Arizona  
44 Revised Statutes, as amended by this act, before the effective date of  
45 this act, shall begin earning earned release credits.