

Senate Engrossed

prisoners; mental health transition program

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

SENATE BILL 1786

AN ACT

AMENDING TITLE 31, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 7; REPEALING TITLE 31, CHAPTER 2, ARTICLE 7, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; 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. Title 31, chapter 2, Arizona Revised Statutes, is
3 amended by adding article 7, to read:

4 ARTICLE 7. MENTAL HEALTH TRANSITION PILOT PROGRAM

5 31-291. Mental health transition pilot program; program
6 eligibility; definition

7 A. THE DEPARTMENT SHALL ESTABLISH A MENTAL HEALTH TRANSITION PILOT
8 PROGRAM THAT PROVIDES ELIGIBLE INMATES WITH TRANSITION SERVICES IN THE
9 COMMUNITY. AN INMATE WHO IS IN THE MENTAL HEALTH TRANSITION PILOT PROGRAM
10 MAY NOT BE RELEASED BEFORE THE INMATE'S EARLIEST RELEASE DATE. THE
11 DEPARTMENT SHALL ADMINISTER THE MENTAL HEALTH TRANSITION PILOT PROGRAM AND
12 CONTRACT WITH PRIVATE OR NONPROFIT ENTITIES TO PROVIDE ELIGIBLE INMATES
13 WITH MENTAL HEALTH TRANSITION SERVICES AND SHALL PROCURE MENTAL HEALTH
14 TRANSITION SERVICES PURSUANT TO TITLE 41, CHAPTER 23. THE DEPARTMENT MAY
15 REFER AN INMATE WHO HAS A MENTAL HEALTH CONDITION TO BE PLACED IN THE
16 MENTAL HEALTH TRANSITION PILOT PROGRAM. THE DEPARTMENT SHALL PLACE UP TO
17 FIVE HUNDRED ELIGIBLE INMATES IN THE MENTAL HEALTH TRANSITION PILOT
18 PROGRAM EACH YEAR.

19 B. THE DIRECTOR SHALL ADOPT RULES TO IMPLEMENT THIS SECTION. THE
20 RULES SHALL:

21 1. INCLUDE ELIGIBILITY CRITERIA FOR RECEIVING A CONTRACTED ENTITY'S
22 MENTAL HEALTH TRANSITION SERVICES. TO BE ELIGIBLE, AT A MINIMUM, AN
23 INMATE SHALL:

24 (a) AGREE IN WRITING TO PROVIDE SPECIFIC INFORMATION. THE
25 DEPARTMENT SHALL USE THE INFORMATION TO PREPARE THE REPORT PRESCRIBED BY
26 SUBSECTION D, PARAGRAPH 3 OF THIS SECTION.

27 (b) BE DIAGNOSED AS SERIOUSLY MENTALLY ILL AND, ON RELEASE, BE
28 ELIGIBLE FOR ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM BENEFITS.

29 2. REQUIRE THAT AN ELIGIBLE INMATE BE OFFERED SERVICES, WHICH MAY
30 INCLUDE HEALTH CARE ASSISTANCE TO OBTAIN ARIZONA HEALTH CARE COST
31 CONTAINMENT SYSTEM FUNDED SERVICES, CASE MANAGEMENT, HOUSING, PSYCHIATRIC
32 MANAGEMENT, DRUG TESTING THAT INCLUDES A DNA MATCH TO THE PERSON AND THE
33 LEVEL OF ANY PRESCRIPTION DRUGS AND TRANSPORTATION.

34 3. REQUIRE THAT EACH ELIGIBLE INMATE RECEIVE SERVICES IN THE
35 PROGRAM FOR AT LEAST NINETY DAYS.

36 C. IN AWARDING CONTRACTS UNDER THIS SECTION, THE DEPARTMENT SHALL
37 COMPLY WITH SECTION 41-3751.

38 D. THE DEPARTMENT SHALL:

39 1. CONDUCT AN ANNUAL STUDY TO DETERMINE THE RECIDIVISM RATES OF
40 INMATES WHO RECEIVE A CONTRACTED ENTITY'S SERVICES PURSUANT TO THIS
41 SECTION. THE STUDY SHALL INCLUDE THE RECIDIVISM RATES OF INMATES WHO HAVE
42 BEEN RELEASED FROM INCARCERATION FOR A MINIMUM OF TWO YEARS AFTER RELEASE.

43 2. EVALUATE THE INMATE AND PROVIDE THE INFORMATION TO THE
44 CONTRACTED ENTITY.

45 3. ON OR BEFORE DECEMBER 31 OF EACH YEAR, SUBMIT A WRITTEN REPORT
46 TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE

1 OF REPRESENTATIVES AND PROVIDE A COPY OF THIS REPORT TO THE SECRETARY OF
2 STATE. THE REPORT MAY BE SUBMITTED ELECTRONICALLY. THE REPORT SHALL
3 CONTAIN THE FOLLOWING INFORMATION:

4 (a) THE ONE, TWO AND THREE YEAR RATES OF RETURN TO THE DEPARTMENT'S
5 CUSTODY FOR AN INMATE WHO IS IN THE PROGRAM COMPARED TO A RELEASED INMATE
6 DURING THE SAME PERIOD WHO HAD A COMMUNITY SERIOUSLY MENTALLY ILL
7 DIAGNOSIS AND WHO DID NOT RECEIVE SERVICES IN THE PROGRAM.

8 (b) THE NUMBER OF INMATES WHO PARTICIPATED IN THE PROGRAM AT ANY
9 POINT DURING THE PREVIOUS FISCAL YEAR.

10 (c) THE NUMBER OF INMATES WHO COMPLETED NINETY DAYS OF PROGRAMMING
11 DURING THE PREVIOUS FISCAL YEAR.

12 (d) THE NUMBER OF INMATES WHO WERE STILL ENROLLED IN THE PROGRAM ON
13 THE LAST DAY OF THE PREVIOUS FISCAL YEAR.

14 (e) THE NUMBER OF INMATES WHO WERE UNSUCCESSFULLY DISCHARGED FROM
15 THE PROGRAM DURING THE PREVIOUS FISCAL YEAR.

16 (f) THE NUMBER OF INMATES WHO WERE SUCCESSFULLY CONNECTED TO
17 ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM SERVICES DURING THE PREVIOUS
18 FISCAL YEAR AS DETERMINED BY THE INMATE BOTH COMPLETING AN INTAKE FOR
19 SERVICES AND USING THOSE SERVICES THROUGHOUT THE NINETY-DAY PERIOD OR
20 THROUGH THE END OF THE FISCAL YEAR, WHICHEVER OCCURS FIRST.

21 (g) OF THE INMATES WHO PARTICIPATED IN THE PROGRAM AT ANY POINT
22 DURING THE PREVIOUS FISCAL YEAR, THE NUMBER OF INMATES WHO USED ARIZONA
23 HEALTH CARE COST CONTAINMENT SYSTEM FUNDED MENTAL HEALTH SERVICES,
24 SUBSTANCE ABUSE SERVICES, PSYCHIATRIC MANAGEMENT SERVICES, CASE MANAGEMENT
25 SERVICES AND TRANSPORTATION OR HOUSING SERVICES, OR BOTH.

26 4. PROVIDE INFORMATION ABOUT THE MENTAL HEALTH TRANSITION PILOT
27 PROGRAM TO ALL INMATES WHO HAVE A MENTAL HEALTH CONDITION OR MENTAL HEALTH
28 CO-OCCURRING CONDITION AND WHO ARE NOT SERVING A LIFE SENTENCE ON
29 ADMISSION TO PRISON AND TO ANY INMATE WHO IS POTENTIALLY ELIGIBLE FOR THE
30 MENTAL HEALTH TRANSITION PILOT PROGRAM NINE MONTHS BEFORE THE INMATE'S
31 EARLIEST RELEASE DATE. THE INFORMATION MUST INCLUDE ALL OF THE ADMISSION
32 REQUIREMENTS TO THE MENTAL HEALTH TRANSITION PILOT PROGRAM, INCLUDING THE
33 DISQUALIFYING FACTORS UNDER THIS SECTION.

34 E. FOR THE PURPOSES OF THIS SECTION, "RECIDIVISM" MEANS
35 REINCARCERATION IN THE DEPARTMENT FOR ANY REASON.

36 Sec. 2. Delayed repeal

37 Title 31, chapter 2, article 7, Arizona Revised Statutes, as added
38 by this act, is repealed from and after June 30, 2026.

39 Sec. 3. Appropriations; mental health transition pilot
40 program

41 The sum of \$1,300,000 is appropriated from the state general fund in
42 each of fiscal years 2021-2022, 2022-2023, 2023-2024 and 2024-2025 to the
43 state department of corrections for the mental health transition pilot
44 program established pursuant to section 31-291, Arizona Revised Statutes,
45 as added by this act.