

House Engrossed Senate Bill

~~contractor license numbers; advertising; exception~~
(now: earned release; credits; prisoners)

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

SENATE BILL 1064

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 **OR 3, 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 detainees.

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 July
23 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 reports;
38 definitions

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

44 B. The earned release credit is:

45 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, WHETHER COMPLETED OR
17 PREPARATORY, AN EXCLUDED OFFENSE.

18 (c) HAS DONE ANY OF THE FOLLOWING:

19 (i) SUCCESSFULLY COMPLETED A DRUG OR SUBSTANCE ABUSE TREATMENT
20 PROGRAM, FORMAL MENTORING AND REENTRY PROGRAM OR OTHER MAJOR
21 SELF-IMPROVEMENT PROGRAM THAT IS PROVIDED BY THE DEPARTMENT DURING THE
22 PRISONER'S TERM OF IMPRISONMENT AND THAT HAS A DEMONSTRATED RECORD IN THIS
23 STATE OR ANOTHER JURISDICTION FOR REDUCING RECIDIVISM.

24 (ii) ACTIVELY PARTICIPATED FOR A MINIMUM OF SIX MONTHS IN AN
25 INTERGOVERNMENTAL AGREEMENT OR AN ARIZONA CORRECTIONAL INDUSTRIES WORK
26 PROGRAM OR SKILLS-BASED WORK PROGRAM THAT IS APPROVED BY THE DEPARTMENT.

27 (iii) SUCCESSFULLY COMPLETED A PROGRAM TO ACHIEVE AN OCCUPATIONAL
28 LICENSE OR CERTIFICATE DURING THE PRISONER'S TERM OF IMPRISONMENT.

29 3. IF THE PRISONER IS NOT ELIGIBLE FOR EARNED RELEASE CREDITS UNDER
30 PARAGRAPH 2 OF THIS SUBSECTION, IN ADDITION TO THE EARNED RELEASE CREDITS
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~~ AN EXCLUDED OFFENSE
35 ~~violent or aggravated felony as defined in section 13-706~~ OR A PREVIOUS
36 CONVICTION FOR AN OFFENSE COMMITTED IN ANOTHER JURISDICTION THAT IF
37 COMMITTED IN THIS STATE WOULD BE A VIOLATION OF AN EXCLUDED OFFENSE.

38 (b) HAS DONE ANY OF THE FOLLOWING:

39 (i) SUCCESSFULLY COMPLETED A DRUG OR SUBSTANCE ABUSE TREATMENT
40 PROGRAM, FORMAL MENTORING AND REENTRY PROGRAM OR OTHER MAJOR
41 SELF-IMPROVEMENT PROGRAM THAT IS PROVIDED BY THE DEPARTMENT DURING THE
42 PRISONER'S TERM OF IMPRISONMENT AND THAT HAS A DEMONSTRATED RECORD IN THIS
43 STATE OR ANOTHER JURISDICTION FOR REDUCING RECIDIVISM.

1 (ii) ACTIVELY PARTICIPATED FOR A MINIMUM OF SIX MONTHS IN AN
2 INTERGOVERNMENTAL AGREEMENT OR AN ARIZONA CORRECTIONAL INDUSTRIES WORK
3 PROGRAM OR SKILLS-BASED WORK PROGRAM THAT IS APPROVED BY THE DEPARTMENT.

4 (iii) SUCCESSFULLY COMPLETED A PROGRAM TO ACHIEVE AN OCCUPATIONAL
5 LICENSE OR CERTIFICATE DURING THE PRISONER'S TERM OF IMPRISONMENT.

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

9 C. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, A PREVIOUS
10 CONVICTION FOR AN EXCLUDED OFFENSE APPLIES ONLY TO A PRISONER WHO
11 COMMITTED THE OFFENSE WHEN THE PRISONER WAS AT LEAST EIGHTEEN YEARS OF
12 AGE.

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

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

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

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

1 be referred to the county attorney pursuant to section 36-3702. If the
2 term of community supervision is waived, the state department of
3 corrections shall provide reasonable notice to the probation department of
4 the scheduled release of the prisoner from confinement by the department.
5 If the court waives community supervision, the director shall issue the
6 prisoner an absolute discharge on the prisoner's earned release credit
7 date. A prisoner who is released on the earned release credit date to
8 serve a term of probation is not under the control of the state department
9 of corrections when community supervision has been waived and the state
10 department of corrections is not required to provide parole services.

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

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

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

26 ~~3. Are foreign nationals.~~

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

29 ~~5. Are released pursuant to subsection B, paragraph 1 of this~~
30 ~~section.~~

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

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

1 2. May order additional conditions, including participation in a
2 rehabilitation program or counseling, ~~and~~ performance of community
3 restitution work **AND, IF THE PRISONER HAS NOT DEMONSTRATED FUNCTIONAL**
4 **LITERACY AT AN EIGHTH GRADE LEVEL, PARTICIPATION IN A LITERACY PROGRAM.**

5 3. ~~Unless the prisoner is released pursuant to subsection B,~~
6 ~~paragraph 1 of this section,~~ May order a prisoner to apply for health care
7 benefits through the Arizona health care cost containment system before
8 being released. The state department of corrections shall enter into an
9 enrollment suspense agreement with the Arizona health care cost
10 containment system to reinstate benefits for prisoners who were sentenced
11 to twelve months or less and who were previously enrolled in the Arizona
12 health care cost containment system immediately before incarceration. For
13 all other prisoners, the state department of corrections shall submit a
14 prerelease application to the Arizona health care cost containment system
15 at least thirty days before the prisoner's release date. The state
16 department of corrections may coordinate with community-based
17 organizations or the department of economic security to assist prisoners
18 in applying for enrollment in the Arizona health care cost containment
19 system.

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

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

1 ~~I.~~ J. If a prisoner who reaches the prisoner's earned release
2 credit date refuses to sign and agree to abide by the conditions of
3 supervision before release on community supervision, the prisoner shall
4 not be released. When the prisoner reaches the sentence expiration date,
5 the prisoner shall be released to begin the term of community supervision.
6 If the prisoner refuses to sign and agree to abide by the conditions of
7 release, the prisoner shall not be released on the sentence expiration
8 date and shall serve the term of community supervision in prison. The
9 department is required to supervise any prisoner on community supervision
10 until the period of community supervision expires. The department may
11 bring a prisoner who is in violation of the prisoner's terms and
12 conditions before the board of executive clemency.

13 ~~J.~~ K. The director, pursuant to rules adopted by the department,
14 shall authorize the release of any prisoner on the prisoner's earned
15 release credit date to serve any consecutive term imposed on the prisoner.
16 The release shall be for the sentence completed only. The prisoner shall
17 remain under the custody and control of the department. The director may
18 authorize the rescission of the release to any consecutive term if the
19 prisoner fails to adhere to the rules of the department.

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

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

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

- 28 (a) Brings a claim **KNOWING IT IS** without substantial justification.
29 (b) Unreasonably expands or delays a proceeding.
30 (c) Testifies falsely or otherwise presents false information or
31 material to the court.
32 (d) Submits a claim that is intended solely to harass the party it
33 is filed against.

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

36 ~~M.~~ N. If the prisoner does not have five days of earned release
37 credits, the prisoner shall forfeit the prisoner's existing earned release
38 credits and shall be ineligible from accruing earned release credits until
39 the number of earned release credits the prisoner would have otherwise
40 accrued equals the difference between five days and the number of existing
41 earned release credit days the prisoner forfeits pursuant to this section.

42 ~~N. O. The director may authorize temporary release on inmate~~
43 ~~status of eligible inmates~~ Pursuant to rules adopted by the director **AND**
44 **POSTED ON THE DEPARTMENT'S WEBSITE, THE DIRECTOR MAY AUTHORIZE TEMPORARY**
45 **RELEASE ON INMATE STATUS OF ELIGIBLE INMATES** within ninety days of any

1 other authorized release date. The release authorization applies to any
2 inmate who has been convicted of a drug offense, who has been determined
3 to be eligible for participation in the transition program pursuant to
4 section 31-281 and who has agreed to participate in the transition
5 program.

6 ~~0.~~ P. ~~On admission,~~ The department shall DO ALL OF THE FOLLOWING:

7 1. ON ADMISSION, provide notice to any prisoner who is potentially
8 eligible for earned release credit pursuant to subsection B, ~~paragraph 1~~
9 of this section. The notice must include all of the eligibility
10 requirements under this section.

11 2. WITHIN FIFTEEN DAYS AFTER THE PRISONER'S ADMISSION, PERFORM AN
12 ASSESSMENT FOR EACH PRISONER THAT DOES BOTH OF THE FOLLOWING:

13 (a) DEVELOPS A CASE PLAN THAT DETERMINES THE TYPE AND AMOUNT OF
14 PROGRAMMING THAT IS APPROPRIATE FOR THE PRISONER.

15 (b) ASSIGNS EACH PRISONER TO THE PROGRAMMING THAT WAS DETERMINED BY
16 SUBDIVISION (a) OF THIS PARAGRAPH AND THAT MEETS THE PRISONER'S ASSESSED
17 NEEDS AND IS LIKELY TO CONTRIBUTE TO REDUCING THE PRISONER'S RISK OF
18 RECIDIVISM.

19 3. ON OR BEFORE DECEMBER 1, 2024, EXPAND THE TYPE, NUMBER AND
20 AVAILABILITY OF PROGRAMS AND PROGRAMMING SO THAT ALL PRISONERS HAVE
21 MEANINGFUL AND REASONABLY TIMELY ACCESS TO PROGRAMS AND PROGRAMMING.

22 4. ON OR BEFORE DECEMBER 1, 2022, EXPAND THE TYPE, NUMBER AND
23 AVAILABILITY OF PROGRAMS AND PROGRAMMING SO THAT ALL PRISONERS WHO ARE
24 ELIGIBLE TO EARN EARNED RELEASE CREDITS HAVE MEANINGFUL AND REASONABLY
25 TIMELY ACCESS TO PROGRAMS AND PROGRAMMING.

26 Q. TO ENSURE THAT THE STATE DEPARTMENT OF CORRECTIONS IS MAKING
27 PROGRAMMING AVAILABLE TO ALL PRISONERS IN A MEANINGFUL, APPROPRIATE,
28 CONSISTENT AND REASONABLY TIMELY FASHION, BEGINNING DECEMBER 1, 2022, THE
29 AUDITOR GENERAL SHALL PREPARE AND SUBMIT AN ANNUAL AUDIT OF THE
30 DEPARTMENT'S PROGRAMMING TO THE GOVERNOR, THE PRESIDENT OF THE SENATE, THE
31 SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE DIRECTORS OF THE JOINT
32 LEGISLATIVE BUDGET COMMITTEE AND THE JOINT LEGISLATIVE AUDIT COMMITTEE.
33 THE AUDITOR GENERAL SHALL PROVIDE A COPY OF THE AUDIT TO THE SECRETARY OF
34 STATE. EACH ANNUAL AUDIT MUST INCLUDE ALL OF THE FOLLOWING:

35 1. FOR EACH INSTITUTION, THE NUMBER, TYPE, DESCRIPTION AND CAPACITY
36 OF PROGRAMMING THAT IS AVAILABLE TO PRISONERS IN THE INSTITUTION.

37 2. BY INSTITUTION AND FOR EACH PROGRAM, THE NUMBER OF PRISONERS WHO
38 DID BOTH OF THE FOLLOWING:

39 (a) PARTICIPATED IN PROGRAMMING.

40 (b) COMPLETED PROGRAMMING.

41 3. BY INSTITUTION AND FOR EACH PROGRAM, THE NUMBER OF PRISONERS
42 ELIGIBLE TO EARN EARNED RELEASE CREDITS WHO DID BOTH OF THE FOLLOWING:

43 (a) PARTICIPATED IN PROGRAMMING.

44 (b) COMPLETED PROGRAMMING.

1 4. THE NUMBER OF EARNED RELEASE CREDITS EARNED BY ELIGIBLE
2 PRISONERS IN EACH INSTITUTION.

3 5. BY INSTITUTION, THE NUMBER OF EMPLOYEES, VOLUNTEERS AND
4 PRISONERS WHO PROVIDE OR COORDINATE PROGRAMMING AND A DESCRIPTION OF EACH
5 PERSON'S QUALIFICATIONS.

6 6. WHETHER EACH INSTITUTION:

7 (a) IS PROVIDING ADEQUATE TYPES AND VARIETIES OF PROGRAMMING.

8 (b) HAS AN ADEQUATE NUMBER OF EMPLOYEES, VOLUNTEERS OR PRISONERS TO
9 PROVIDE OR COORDINATE PROGRAMMING FOR THE INSTITUTION.

10 (c) IS MATCHING PROGRAMMING TO THE NEEDS OF PRISONERS, AS
11 PRESCRIBED BY THE PRISONER'S CASE PLAN.

12 (d) IS PROVIDING ALL PRISONERS WITH MEANINGFUL ACCESS TO
13 PROGRAMMING IN A REASONABLY TIMELY FASHION.

14 (e) IS PROVIDING ALL PRISONERS ELIGIBLE TO EARN EARNED RELEASE
15 CREDITS WITH MEANINGFUL ACCESS TO PROGRAMMING IN A REASONABLY TIMELY
16 FASHION.

17 (f) NEEDS ADDITIONAL EMPLOYEES, VOLUNTEERS, PRISONERS, PROGRAMMING,
18 MONIES OR OTHER RESOURCES TO PROVIDE MEANINGFUL ACCESS TO PROGRAMMING FOR
19 ALL PRISONERS IN A REASONABLY TIMELY FASHION.

20 (g) IS CORRECTLY CALCULATING AND AWARDED EARNED RELEASE CREDITS TO
21 ELIGIBLE PRISONERS AND RECALCULATING SENTENCES ACCORDINGLY.

22 (h) HAS INFORMATION TECHNOLOGY THAT ENSURES THAT EARNED RELEASE
23 CREDITS ARE CORRECTLY CALCULATED AND AWARDED TO ELIGIBLE PRISONERS AND
24 THAT SENTENCES ARE RECALCULATED ACCORDINGLY.

25 (i) IS RELEASING ELIGIBLE PRISONERS TO COMMUNITY SUPERVISION ON THE
26 CORRECT DATE BASED ON THE NUMBER OF EARNED RELEASE CREDITS THE PRISONER
27 HAS EARNED.

28 7. RECOMMENDATIONS ON HOW THE LEGISLATURE, THE GOVERNOR AND THE
29 DEPARTMENT CAN INCREASE THE AVAILABILITY OF, QUALITY OF, ACCESS TO,
30 CAPACITY OF AND FUNDING FOR PROGRAMMING IN ALL INSTITUTIONS AND ENSURE
31 THAT ALL PRISONERS ARE PROVIDED MEANINGFUL ACCESS TO PROGRAMMING IN A
32 REASONABLY TIMELY FASHION.

33 ~~P. R. The department shall do~~ ON OR BEFORE DECEMBER 31 OF EACH
34 YEAR, THE DIRECTOR SHALL PREPARE AND SUBMIT A REPORT TO THE GOVERNOR, THE
35 PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE
36 CHAIRPERSON OF THE JOINT LEGISLATIVE AUDIT COMMITTEE AND THE DIRECTOR OF
37 THE JOINT LEGISLATIVE BUDGET COMMITTEE AND SHALL PROVIDE A COPY OF THE
38 REPORT TO THE SECRETARY OF STATE. THE REPORT SHALL INCLUDE all of the
39 following INFORMATION:

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

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

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

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

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

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

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

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

20 5. THE NUMBER OF EARNED RELEASE CREDITS FORFEITED BY PRISONERS BY
21 INSTITUTION IN EACH MONTH OF THE REPORTING PERIOD AND THE REASON WHY THE
22 EARNED RELEASE CREDITS WERE FORFEITED.

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

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

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

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

34 ~~(e)~~ 7. The number of prisoners who are enrolled in the transition
35 program in each month of the reporting period, including the percentage of
36 the total prison population that is enrolled in the transition program.
37 For enrolled 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.

1 ~~(f)~~ 8. The number of prisoners BY INSTITUTION who are released
2 into the transition program in each month of the reporting period,
3 including the percentage of the total prison population that is released
4 into the transition program. For released prisoners, the report shall
5 include the following information:

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

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

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

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

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

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

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

19 ~~(k)~~ 13. The number of prisoners BY INSTITUTION who received
20 treatment for substance abuse during the first half of the prisoner's
21 total sentence and the percentage of the total prison population that
22 received treatment for substance abuse during the first half of the
23 prisoners' total sentence. For prisoners who received treatment for
24 substance abuse according to this subdivision, THE report shall include
25 the following information:

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

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

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

30 14. THE NUMBER OF DAYS OF EARNED RELEASE CREDITS EARNED BY
31 PRISONERS BY INSTITUTION IN EACH MONTH OF THE REPORTING PERIOD AND THE
32 TOTAL NUMBER OF DAYS THOSE PRISONERS WERE NOT INCARCERATED IN THE
33 DEPARTMENT AS A RESULT OF EARNING EARNED RELEASE CREDITS.

34 15. BY INSTITUTION, A LIST OF PROGRAMS AND PROGRAMMING THAT A
35 PRISONER MAY EARN RELEASE CREDITS FOR PURSUANT TO SUBSECTION B, PARAGRAPH
36 2, SUBDIVISION (c) AND SUBSECTION B, PARAGRAPH 3, SUBDIVISION (b) OF THIS
37 SECTION, THE NUMBER OF PRISONERS WHO WERE ELIGIBLE FOR EARNED RELEASE
38 CREDITS AND THE NUMBER OF PRISONERS WHO WERE ELIGIBLE FOR EARNED RELEASE
39 CREDITS AND WHO PARTICIPATED IN OR COMPLETED PROGRAMMING.

40 S. WITHIN THIRTY DAYS AFTER RECEIVING THE REPORT REQUIRED BY
41 SUBSECTION R OF THIS SECTION, THE JOINT LEGISLATIVE BUDGET COMMITTEE SHALL
42 PREPARE AND SUBMIT A REPORT TO THE JUDICIARY AND APPROPRIATIONS
43 COMMITTEES, OR THEIR SUCCESSOR COMMITTEES, IN THE SENATE AND THE HOUSE OF
44 REPRESENTATIVES AND TO THE GOVERNOR, THE SPEAKER OF THE HOUSE OF

1 REPRESENTATIVES, THE PRESIDENT OF THE SENATE AND THE JOINT LEGISLATIVE
2 AUDIT COMMITTEE THAT INCLUDES ALL OF THE FOLLOWING:

3 1. THE ANNUAL AMOUNT OF MONIES SAVED BY THIS STATE THAT IS A RESULT
4 OF PRISONERS EARNING EARNED RELEASE CREDITS AND BEING RELEASED ON
5 COMMUNITY SUPERVISION OR TRANSFERRED INTO THE TRANSITION PROGRAM PURSUANT
6 TO THIS SECTION, INCLUDING THE SAVINGS THAT ARE A RESULT OF THE AVOIDANCE
7 OR DEFERRAL OF FUTURE CONSTRUCTION, ACQUISITION OR OPERATIONS COSTS OF
8 CORRECTIONAL FACILITIES AS COMPARED TO THE EARNED RELEASE CREDITS THAT
9 WERE EARNED PURSUANT TO THIS SECTION AND COSTS INCURRED BEFORE THE
10 EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION.

11 2. THE ANNUAL AMOUNT OF MONIES SAVED BY THIS STATE THAT IS A RESULT
12 OF A DECREASE IN RECIDIVISM AND THAT MAY BE ATTRIBUTED TO A PRISONER'S
13 PARTICIPATION IN THE REHABILITATIVE AND WORK PROGRAMS PRESCRIBED BY THIS
14 SECTION.

15 3. A DESCRIPTION OF HOW THE REDUCED EXPENDITURES BY THE STATE
16 DEPARTMENT OF CORRECTIONS AND THE ANNUAL SAVINGS CREATED BY THE EARNED
17 RELEASE CREDITS EARNED PURSUANT TO THIS SECTION WERE REINVESTED.

18 T. FOR THE PURPOSES OF THIS SECTION:

19 1. "EXCLUDED OFFENSE" MEANS:

20 (a) A SERIOUS OFFENSE OR A VIOLENT OR AGGRAVATED FELONY AS DEFINED
21 IN SECTION 13-706.

22 (b) A DANGEROUS CRIME AGAINST CHILDREN AS DEFINED IN SECTION
23 13-705.

24 (c) UNLAWFUL MUTILATION.

25 (d) TRAFFICKING OF PERSONS FOR FORCED LABOR OR SERVICES.

26 (e) SEXUAL EXTORTION PURSUANT TO SECTION 13-1428.

27 (f) UNLAWFUL SEXUAL CONDUCT PURSUANT TO SECTION 13-1412.

28 (g) UNLAWFUL SEXUAL CONDUCT IF THE VICTIM IS AT LEAST FIFTEEN YEARS
29 OF AGE BUT UNDER EIGHTEEN YEARS OF AGE PURSUANT TO SECTION 13-1419.

30 (h) SEXUAL ABUSE IF THE VICTIM IS FIFTEEN YEARS OF AGE OR OLDER
31 PURSUANT TO SECTION 13-1404.

32 (i) UNLAWFUL SEXUAL CONDUCT PURSUANT TO SECTION 13-1409.

33 (j) CAUSING SPOUSE TO BECOME A PROSTITUTE.

34 (k) DETENTION OF PERSONS IN HOUSE OF PROSTITUTION FOR DEBT.

35 (l) AGGRAVATED DOMESTIC VIOLENCE.

36 (m) UNLAWFUL SALE OR PURCHASE OF CHILDREN.

37 (n) ILLEGAL CONTROL OF AN ENTERPRISE IF THE OFFENSE INVOLVES A
38 MINOR.

39 (o) SMUGGLING.

40 (p) PARTICIPATING IN A HUMAN SMUGGLING ORGANIZATION.

41 2. "PROGRAM" OR "PROGRAMMING" MEANS A PROGRAM THAT IS DESCRIBED IN
42 SUBSECTION B, PARAGRAPH 2, SUBDIVISION (c) AND SUBSECTION B, PARAGRAPH 3,
43 SUBDIVISION (b) OF THIS SECTION.

1 Sec. 5. State department of corrections: assessment of earned
2 release credit programs; requirements; delayed
3 repeal

4 A. On or before December 1, 2025, the state department of
5 corrections must complete an assessment of each earned release credit
6 program that is included in section 41-1604.07, Arizona Revised Statutes,
7 subsection B, paragraph 2, subdivision (c) and subsection B, paragraph 3,
8 subdivision (b) and that is offered by the department for prisoners to
9 earn release credits. The department shall provide a copy of each
10 assessment to the governor, the president of the senate, the speaker of
11 the house of representatives, the director of the joint legislative budget
12 committee, the chairman of the joint legislative audit committee and the
13 secretary of state.

14 B. The assessments must be completed by an independent contractor
15 that has expertise in assessing correctional programming and recidivism.
16 The independent contractor may not have a financial interest in the
17 department or any of the department's contractors or subcontractors. Each
18 assessment shall include all of the following:

19 1. A description of the program and the requirements for program
20 participants.

21 2. A description of who coordinates or conducts the program at each
22 institution and that entity's qualifications.

23 3. Whether other jurisdictions use a similar program and, if a
24 similar program does exist, a comparison of the programs.

25 4. A quantitative assessment of the three-year rate of recidivism
26 for a cohort of prisoners who participated in the program, assessing
27 recidivism based on rearrest, reconviction, reincarceration, demographics
28 and whether the prisoner completed the program.

29 5. The cost for each institution to provide the program.

30 6. A qualitative assessment of the quality, effectiveness or value
31 of the program based on interviews with program participants, coordinators
32 or other department employees or volunteers.

33 7. Recommendations, if any, for improving or maintaining the
34 quality, effectiveness or value of the program.

35 8. Any other information the contractor determines is pertinent to
36 describing the quality, effectiveness or value of the program.

37 C. This section is repealed from and after June 30, 2026.

38 Sec. 6. Legislative intent

39 The legislature intends that any savings that are associated with a
40 reduction in corrections costs and recidivism that result from
41 implementing section 41-1604.07, Arizona Revised Statutes, as amended by
42 this act, should be reinvested as follows:

43 1. To supplement monies for hiring additional employees at the
44 state department of corrections, including community corrections bureau
45 employees and state department of corrections employees to lead, supervise

1 or conduct the rehabilitative and work programs prescribed by section
2 41-1604.07, Arizona Revised Statutes, as amended by this act.

3 2. To expand rehabilitative, educational, substance abuse and
4 mental health treatment, vocational training and work programs in the
5 state department of corrections.

6 3. To ensure that eligible prisoners have access to the programs
7 that are offered by the state department of corrections, including
8 community corrections.

9 4. To increase the number of beds that are available in the
10 transition program established by section 31-281, Arizona Revised
11 Statutes, as amended by this act.

12 Sec. 7. Applicability

13 A. This act applies to prisoners who are serving a term of
14 imprisonment in the state department of corrections for an offense that is
15 included in title 13, chapter 34, Arizona Revised Statutes, on or after
16 the effective date of this act.

17 B. Section 41-1604.07, subsection B, paragraph 3, Arizona Revised
18 Statutes, as amended by this act, applies only to a person who is
19 convicted on or after the effective date of this act for an offense that
20 is not included in title 13, chapter 34, Arizona Revised Statutes.

21 C. On the effective date of this act, a prisoner who is serving a
22 term of imprisonment for an offense included in title 13, chapter 34,
23 Arizona Revised Statutes, and who met the eligibility requirements of
24 section 41-1604.07, subsection B, Arizona Revised Statutes, as amended by
25 this act, before the effective date of this act shall begin earning earned
26 release credits.