

Senate Engrossed

prisoners; discharge; transition program.

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

# SENATE BILL 1067

AN ACT

AMENDING SECTIONS 31-281 AND 31-287, ARIZONA REVISED STATUTES; RELATING TO  
CRIMINAL JUSTICE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Sec. 1. Section 31-281, Arizona Revised Statutes, is amended to  
3 read:

4 31-281. Transition program; report; definition

5 A. The department shall establish a transition program that  
6 provides eligible inmates with transition services in the community for up  
7 to ninety days. The department shall administer the transition program  
8 and contract with private or nonprofit entities to provide eligible  
9 inmates with transition services and shall procure transition services  
10 pursuant to title 41, chapter 23.

11 B. The director shall adopt rules to implement this article. The  
12 rules shall include:

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

15 (a) Not have been convicted of a sexual offense pursuant to title  
16 13, chapter 14 or a violation of title 13, chapter 17.

17 ~~(b) Be classified by the state department of corrections as a low  
18 violence risk to the community.~~

19 ~~(c)~~ (b) Not have been convicted of a violent crime as defined in  
20 section 13-901.03, ~~or a domestic violence offense pursuant to section~~  
21 ~~13-3601~~ UNLESS THE INMATE WAS CONVICTED OF ASSAULT, AGGRAVATED ASSAULT OR  
22 ROBBERY.

23 ~~(d)~~ (c) Not have any felony detainers.

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

27 ~~(f)~~ (e) Have made satisfactory progress by complying with all  
28 programming on the inmate's individualized corrections plan as determined  
29 by the department.

30 ~~(g)~~ (f) Be classified by the department as minimum or medium  
31 custody as determined by an objective risk assessment.

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

37 2. A requirement that each contracted entity train mentors or  
38 certify that mentors are trained.

39 3. A requirement that the services offered to an inmate include  
40 psychoeducational counseling and case management services as determined by  
41 the department. The counseling and services may include substance abuse  
42 treatment, anger management, cognitive behavioral therapy, parenting  
43 skills and family reunification training, further education and job  
44 placement.

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

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

10          D. The department shall:

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

16           2. Evaluate the inmate and provide the information to the  
17 contracted entity.

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

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

26           (b) The number of inmates who received services pursuant to this  
27 article.

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

30           (d) The types of services provided.

31           (e) The number of inmates who received each type of service  
32 provided.

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

39           E. Notwithstanding subsection B, paragraph 1 of this section, if an  
40 inmate agrees to comply with any condition that is established and  
41 required by section 41-1604.07, subsection F, has been convicted of the  
42 possession or use of marijuana pursuant to section 13-3405, subsection A,  
43 paragraph 1, possession or use of a dangerous drug pursuant to section  
44 13-3407, subsection A, paragraph 1, possession or use of a narcotic drug  
45 pursuant to section 13-3408, subsection A, paragraph 1 or possession or

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

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

11 2. A felony detainer.

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

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

19 5. Failed to achieve functional literacy as required by section  
20 41-1604.07, subsection ~~E~~ F, unless the inmate is enrolled in a program  
21 that prepares the inmate to achieve functional literacy.

22 6. Been classified by the department as close or maximum custody as  
23 determined by a current and objective risk assessment.

24 7. Refused enrollment in or been removed for poor behavior from a  
25 major self-improvement program within the previous eighteen months unless  
26 the inmate has subsequently enrolled in and completed the major  
27 self-improvement program.

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

30 Sec. 2. Section 31-287, Arizona Revised Statutes, is amended to  
31 read:

32 31-287. Program termination

33 The transition program established by this article ends on July 1,  
34 ~~2020~~ 2030 pursuant to section 41-3102.

35 Sec. 3. Retroactivity

36 Section 31-287, Arizona Revised Statutes, as amended by this act,  
37 applies retroactively to from and after June 30, 2020.

38 Sec. 4. Effective date

39 Section 31-281, Arizona Revised Statutes, as amended by this act, is  
40 effective from and after September 30, 2021.