

REFERENCE TITLE: prisoners; monthly supervision fees

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1502

Introduced by
Senators Quezada: Terán; Representatives Andrade, Hernandez M

AN ACT

AMENDING SECTIONS 31-411 AND 31-418, ARIZONA REVISED STATUTES; RELATING TO PRISONERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 31-411, Arizona Revised Statutes, is amended to read:

31-411. Parole or discharge; conditions of parole; release under supervision of state department of corrections; notice of hearing; exceptions; drug testing costs

A. Any prisoner who has been certified as eligible for parole or absolute discharge from imprisonment pursuant to section 31-412, subsection B or section 41-1604.09 shall be given an opportunity to apply for release on parole or for an absolute discharge from imprisonment. The board of executive clemency shall not entertain any other form of application or petition for the release on parole or absolute discharge from imprisonment of any prisoner.

B. A prisoner who is eligible for parole or absolute discharge from imprisonment shall be given an opportunity to be heard either before a hearing officer designated by the board or the board itself, at the discretion of the board.

C. If the hearing is heard by a hearing officer, the hearing officer shall make a recommendation on application for parole or absolute discharge from imprisonment to the board within thirty days after the hearing date. Within thirty days after the date of the hearing officer's recommendations, the board shall review these recommendations and either approve, with or without conditions, or reject the prisoner's application for parole or absolute discharge from imprisonment. A prisoner who is eligible for parole or absolute discharge from imprisonment shall not be denied parole or absolute discharge from imprisonment without an opportunity to be heard before the board unless another form of release has been granted.

D. If parole is granted, the prisoner shall remain on parole unless the board revokes the parole or grants an absolute discharge from parole or until the prisoner reaches the individual earned release credit date pursuant to section 41-1604.10. If the prisoner violates a condition of parole but has not committed an additional offense, the board may place the prisoner on electronic monitoring and order the defendant to participate in a community accountability pilot program pursuant to section 41-1609.05. If the prisoner is still on parole on reaching the individual earned release credit date pursuant to section 41-1604.10, the prisoner shall be terminated from parole but shall be subject to revocation under section 41-1604.10. When the prisoner reaches the individual earned release credit date the prisoner's parole shall be terminated and the prisoner shall no longer be under the authority of the board.

E. During the period of time that the prisoner remains on supervised parole under subsection D of this section, the board shall require as a condition of parole that the prisoner pay a monthly

1 supervision fee of not less than ~~sixty five dollars~~ \$65 unless, after
2 determining the inability of the prisoner to pay the fee, the board
3 requires payment of a lesser amount. The supervising parole officer shall
4 monitor the collection of the fee. ~~THE MONTHLY SUPERVISION FEE MAY NOT~~
5 ~~BEGIN UNTIL SIXTY DAYS AFTER THE PRISONER BEGINS SUPERVISED PAROLE.~~ The
6 board may also impose any conditions of parole it deems appropriate in
7 order to ensure that the best interests of the prisoner and the citizens
8 of this state are served. These conditions may include:

9 1. Participation in a rehabilitation program or counseling.

10 2. Performance of community restitution work.

11 F. Seventy ~~per cent~~ PERCENT of the monies collected pursuant to
12 subsection E of this section shall be deposited, pursuant to sections
13 35-146 and 35-147, in the victim compensation and assistance fund
14 established by section 41-2407 and thirty ~~per cent~~ PERCENT shall be
15 deposited in the community corrections enhancement fund established by
16 section 31-418.

17 G. When parole or absolute discharge from imprisonment is denied,
18 the board, within ten days, shall prepare and deliver to the director of
19 the state department of corrections a written statement specifying the
20 individualized reasons for the denial of parole or absolute discharge from
21 imprisonment unless another form of release has been granted. The
22 prisoner may view the written statement prepared by the board. Every
23 prisoner, having served not less than one year, may be temporarily
24 released according to the rules of the department one hundred eighty days
25 before the expiration of the sentence or the earned release credit date,
26 whichever first occurs, if the director finds that the release is in the
27 best interest of the state. The releasee shall remain under the control
28 of the state department of corrections until expiration of the term
29 specified in the sentence. If the releasee violates any condition of
30 release, the releasee may be returned to custody without further process.

31 H. When a commutation, absolute discharge from imprisonment or
32 parole is to be considered, the board, on request and before holding a
33 hearing on the commutation, absolute discharge from imprisonment or
34 parole, shall notify the attorney general, the presiding judge of the
35 superior court, the county attorney in the county in which the prisoner
36 requesting a commutation, absolute discharge from imprisonment or parole
37 was sentenced, and the victim of the offense for which the prisoner is
38 incarcerated. The notice to the victim shall be mailed to the last known
39 address. The notice shall state the name of the prisoner requesting the
40 commutation, absolute discharge from imprisonment or parole and shall set
41 the month of hearing on the application. The notice to the victim shall
42 also inform the victim of the victim's right to be present and to submit a
43 written report to the board expressing the victim's opinion concerning the
44 release of the prisoner. No hearing concerning commutations, absolute
45 discharge from imprisonment or parole shall be held until fifteen days
46 after the date of giving the notice. On mailing the notice, the board

1 shall file a hard copy of the notice as evidence that notification was
2 sent.

3 I. The provisions of this section requiring notice to the officials
4 named in subsection H of this section shall not apply:

5 1. When there is imminent danger of the death of the person
6 convicted or imprisoned.

7 2. When the term of imprisonment of the applicant is within two
8 hundred ten days of expiration.

9 J. In addition to any other fees, the board may require as a
10 condition of parole that the prisoner pay the reasonable costs associated
11 with the prisoner's participation in a drug testing program. The
12 prisoner's costs shall not exceed the department's cost for the program.
13 The monies collected pursuant to this subsection by the department may
14 only be used to offset the costs of the drug testing program.

15 Sec. 2. Section 31-418, Arizona Revised Statutes, is amended to
16 read:

17 31-418. Community supervision fee; deposit; community
18 corrections enhancement fund; drug testing costs

19 A. During the period of time that the prisoner remains on community
20 supervision, the state department of corrections shall require as a
21 condition of community supervision that the prisoner pay a monthly
22 supervision fee of at least ~~sixty-five dollars~~ \$65 unless, after
23 determining the inability of the prisoner to pay the fee, the department
24 requires payment of a lesser amount. The supervising community
25 supervision officer shall monitor the collection of the fee. **THE MONTHLY**
26 **SUPERVISION FEE MAY NOT BEGIN UNTIL SIXTY DAYS AFTER THE PRISONER BEGINS**
27 **COMMUNITY SUPERVISION.**

28 B. Seventy ~~per-cent~~ **PERCENT** of the monies collected pursuant to
29 subsection A of this section shall be deposited, pursuant to sections
30 35-146 and 35-147, in the victim compensation and assistance fund
31 established by section 41-2407 and thirty ~~per-cent~~ **PERCENT** shall be
32 deposited in the community corrections enhancement fund established by
33 this section.

34 C. The community corrections enhancement fund is established
35 consisting of monies received pursuant to subsection B of this section,
36 sections 31-411, 31-467.06 and 41-1604.08 and section 41-1604.13,
37 subsection D, paragraph 8. The department shall administer the fund and
38 use fund monies to pay for costs related to community corrections.

39 D. In addition to any other fees, the department may require as a
40 condition of community supervision that the prisoner pay the reasonable
41 costs associated with the prisoner's participation in a drug testing
42 program. The prisoner's costs shall not exceed the department's cost for
43 the program. The monies collected pursuant to this subsection by the
44 department may only be used to offset the costs of the drug testing
45 program.