

House Engrossed

mental health transition program; release

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

CHAPTER 35
HOUSE BILL 2433

AN ACT

AMENDING SECTION 31-291, ARIZONA REVISED STATUTES; RELATING TO THE MENTAL HEALTH TRANSITION PILOT PROGRAM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 31-291, Arizona Revised Statutes, is amended to
3 read:

4 31-291. Mental health transition pilot program; contracted
5 entities; inmate eligibility; rules; study; report;
6 definition

7 A. The department shall establish the mental health transition
8 pilot program to provide 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~~ AND WHO WAS
11 NOT CONVICTED OF AN OFFENSE LISTED IN SECTION 31-281, SUBSECTION B,
12 PARAGRAPH 1, SUBDIVISIONS (a) AND (b) SHALL BE RELEASED FROM CONFINEMENT
13 THREE MONTHS EARLIER THAN THE INMATE'S EARLIEST RELEASE DATE BASED ON THE
14 INMATE'S RISK AND NEED AND RULES ADOPTED PURSUANT TO THIS SECTION.

15 B. The department shall administer the mental health transition
16 pilot program and contract with private or nonprofit entities to provide
17 eligible inmates with mental health transition services and shall procure
18 mental health transition services pursuant to title 41, chapter 23. The
19 department may refer an inmate who has a mental health condition to be
20 placed in the mental health transition pilot program. The department
21 shall place up to five hundred eligible inmates in the mental health
22 transition pilot program each fiscal year.

23 ~~B.~~ C. The director shall adopt rules to implement this
24 section. The rules shall:

25 1. Include eligibility criteria for an inmate to receive a
26 contracted entity's mental health transition services. To be eligible, at
27 a minimum, an inmate must:

28 (a) Agree in writing to provide specific information. The
29 department shall use the information to prepare the report prescribed by
30 subsection ~~D.~~ E, paragraph 3 of this section.

31 (b) Be diagnosed as seriously mentally ill and, on release, be
32 eligible for Arizona health care cost containment system benefits.

33 2. Require that an eligible inmate be offered services, which may
34 include health care assistance to obtain Arizona health care cost
35 containment system-funded services, case management, housing, psychiatric
36 management, drug testing that includes a DNA match to the person and the
37 level of any prescription drugs and transportation.

38 3. Require that each eligible inmate receive services in the
39 program for at least ninety days OR FOR THE DURATION OF THE INMATE'S
40 RELEASE.

41 ~~C.~~ D. In awarding contracts under this section, the department
42 shall comply with section 41-3751.

43 ~~D.~~ E. The department shall:

44 1. Conduct an annual study to determine the recidivism rates of
45 inmates who receive a contracted entity's mental health transition

1 services pursuant to this section. The study shall include the recidivism
2 rates of inmates who have been released from incarceration for a minimum
3 of two years after release.

4 2. Evaluate each inmate and provide the information to the
5 contracted entity.

6 3. On or before December 31 of each year, submit a written report
7 to the governor, the president of the senate, the speaker of the house of
8 representatives and the joint legislative budget committee and provide a
9 copy of this report to the secretary of state. The report may be
10 submitted electronically. The report shall contain the following
11 information:

12 (a) The one-year, two-year and three-year rates of return to the
13 department's custody for an inmate who received services in the program
14 compared to a released inmate with a seriously mentally ill diagnosis
15 during the same period who did not receive services in the program.

16 (b) The number of inmates who participated in the program at any
17 point during the previous fiscal year.

18 (c) The number of inmates who completed ninety days of services in
19 the program during the previous fiscal year.

20 (d) The number of inmates who were still enrolled in the program on
21 the last day of the previous fiscal year.

22 (e) The number of inmates who were unsuccessfully discharged from
23 the program during the previous fiscal year.

24 (f) The number of inmates who were successfully connected to
25 Arizona health care cost containment system services during the previous
26 fiscal year as evidenced by the inmate both completing an intake for
27 services and using those services throughout the ninety-day period or
28 through the end of the fiscal year, whichever occurs first.

29 (g) Of the inmates who participated in the program at any point
30 during the previous fiscal year, the number of inmates who used Arizona
31 health care cost containment system-funded mental health services,
32 substance abuse services, psychiatric management services, case management
33 services and transportation or housing services, or both.

34 4. Provide information about the mental health transition pilot
35 program to each inmate who has a mental health condition or mental health
36 co-occurring condition and who is not serving a life sentence on admission
37 to prison and to each inmate who is potentially eligible for the mental
38 health transition pilot program nine months before the inmate's earliest
39 release date. The information must include all of the admission
40 requirements to the mental health transition pilot program and the
41 disqualifying factors under this section.

42 ~~E~~ F. For the purposes of this section, "recidivism" means
43 reincarceration in the department for any reason.

H.B. 2433

APPROVED BY THE GOVERNOR MARCH 29, 2024.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 29, 2024.