SENATE BILL 1091

AN ACT

AMENDING SECTION 31-281, ARIZONA REVISED STATUTES; AMENDING TITLE 31, CHAPTER 2, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 31-283; RELATING TO THE PRISONER TRANSITION PROGRAM.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

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

31-281. Transition program; report; definition

A. The department shall establish a transition program that provides eligible inmates with transition services in the community for up to ninety days. The department shall administer the transition program and DO BOTH OF THE FOLLOWING:

1. Contract with private or nonprofit entities to provide eligible inmates with transition services and shall procure transition services pursuant to title 41, chapter 23.

2. AT THE ELECTION OF THE ELIGIBLE INMATE, ALLOW NONCONTRACTED PRIVATE OR NONPROFIT BEHAVIORAL HEALTH SERVICE PROVIDERS THAT MEET THE REQUIREMENTS PRESCRIBED IN SECTION 31-283 TO PROVIDE ELIGIBLE INMATES WITH TRANSITION SERVICES.

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

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

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

   (b) Not have been convicted of a violent crime as defined in section 13-901.03, unless the inmate was convicted of assault, aggravated assault or robbery.

   (c) Not have any felony detainers.

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

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

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

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

2. A requirement that each contracted AND NONCONTRACTED entity train mentors or certify that mentors are trained.

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

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

5. A REQUIREMENT THAT AN INMATE MUST USE A CONTRACTED ENTITY TO PROVIDE TRANSITION SERVICES UNLESS THE ELIGIBLE INMATE Chooses A NONCONTRACTED PRIVATE OR NONPROFIT BEHAVIORAL HEALTH SERVICE PROVIDER TO PROVIDE TRANSITION SERVICES PURSUANT TO SECTION 31-283.

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

D. The department shall:

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

2. Evaluate the inmate and provide the information to the contracted entity THAT PROVIDED TRANSITION SERVICES TO THE INMATE.

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

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

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

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

(d) The types of services provided.

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

4. Provide information about the transition program to all inmates who are not serving a life sentence on admission to prison and to any inmate who is potentially eligible for the transition program six months before the inmate's eligibility date. The information must include all of the admission requirements to the transition program, including the disqualifying factors under this section.
E. Notwithstanding subsection B, paragraph 1 of this section, if an inmate agrees to comply with any condition that is established and required by section 41-1604.07, subsection F, has been convicted of the possession or use of marijuana pursuant to section 13-3405, subsection A, paragraph 1, possession or use of a dangerous drug pursuant to section 13-3407, subsection A, paragraph 1, possession or use of a narcotic drug pursuant to section 13-3408, subsection A, paragraph 1 or possession or use of drug paraphernalia pursuant to section 13-3415, subsection A and is not concurrently serving another sentence for an offense that is not listed in this subsection, the inmate is eligible for and shall be released to enter the transition program. The director may not exclude an inmate who is eligible for the transition program pursuant to this subsection because the inmate does not have a place to reside before being released, except that the director shall exclude an inmate who has any of the following:

1. Previously been convicted of a violent crime as defined in section 13-901.03 or an offense listed in title 13, chapter 14 or 35.1.
2. A felony detainer.
3. Been found to be in violation of a major violent rule during the inmate's current period of incarceration or to be in violation of any other major rule within the previous six months. For the purposes of this paragraph, an accumulation of minor rule violations does not equal a major rule violation.
4. Previously been released pursuant to this section and violated a term of the inmate's release.
5. Failed to achieve functional literacy as required by section 41-1604.07, subsection F, unless the inmate is enrolled in a program that prepares the inmate to achieve functional literacy.
6. Been classified by the department as close or maximum custody as determined by a current and objective risk assessment.
7. Refused enrollment in or been removed for poor behavior from a major self-improvement program within the previous eighteen months unless the inmate has subsequently enrolled in and completed the major self-improvement program.

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

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PROVIDER HAS A SERVICE CAPACITY OF AT LEAST TWO HUNDRED INDIVIDUALS AND AGREES TO DO ALL OF THE FOLLOWING:

1. PROVIDE TRANSITION SERVICES TO AN ELIGIBLE PERSON.
2. BE LICENSED BY THE DEPARTMENT OF HEALTH SERVICES.
3. TRAIN MENTORS OR CERTIFY THAT MENTORS ARE TRAINED.
4. PROVIDE CASE MANAGEMENT AND INREACH TO AN ELIGIBLE PERSON BEFORE THE PERSON BECOMES ELIGIBLE FOR TRANSITION SERVICES.
5. PROVIDE SERVICES TO AN ELIGIBLE PERSON THAT INCLUDE PSYCHOEDUCATIONAL COUNSELING AND CASE MANAGEMENT SERVICES. THE COUNSELING AND SERVICES MAY INCLUDE SUBSTANCE ABUSE TREATMENT, ANGER MANAGEMENT, COGNITIVE BEHAVIORAL THERAPY, PSYCHOSOCIAL REHABILITATION SERVICES, PARENTING SKILLS AND FAMILY REUNIFICATION TRAINING, FURTHER EDUCATION AND JOB PLACEMENT. THE BEHAVIORAL HEALTH SERVICE PROVIDER SHALL ALSO PROVIDE:
   (a) EMPLOYMENT, EMPLOYMENT ASSISTANCE AND CAREER COUNSELING SERVICES.
   (b) BASIC ACADEMIC EDUCATION, GENERAL EQUIVALENCY DIPLOMA PREPARATION AND POSTSECONDARY EDUCATION JOB TRAINING.
   (c) TRANSITIONAL NEEDS, INCLUDING HOUSING, FOOD OR TREATMENT SERVICES.
   (d) ASSISTANCE IN FINDING HEALTH INSURANCE COVERAGE FOR THE ELIGIBLE PERSON AND, IF APPLICABLE, MEDICAL ASSISTANCE, INCLUDING ASSISTANCE IN FINDING NECESSARY MEDICATION.
6. PROVIDE PHYSICAL HEALTH AND WELLNESS EDUCATION AND SERVICES.
7. PROVIDE INFORMATION TO THE DEPARTMENT TO ALLOW THE DEPARTMENT TO CONDUCT ITS ANNUAL STUDY TO DETERMINE THE RECIDIVISM RATE OF ELIGIBLE PERSONS WHO RECEIVE TRANSITION SERVICES.

B. IF THE DEPARTMENT DETERMINES THAT A PRIVATE OR NONPROFIT BEHAVIORAL HEALTH SERVICE PROVIDER THAT IS NOT CONTRACTED WITH THE DEPARTMENT DOES NOT MEET THE REQUIREMENTS OF THIS SECTION, THE PRIVATE OR NONPROFIT BEHAVIORAL HEALTH SERVICE PROVIDER SHALL BE GIVEN THE OPPORTUNITY TO COMPLY WITH THIS SECTION. IF THE PRIVATE OR NONPROFIT BEHAVIORAL HEALTH SERVICE PROVIDER THAT IS NOT CONTRACTED WITH THE DEPARTMENT DOES NOT COME INTO COMPLIANCE, THE DEPARTMENT SHALL REQUIRE THE ELIGIBLE PERSON TO RECEIVE TRANSITION SERVICES FROM A PRIVATE OR NONPROFIT ENTITY THAT IS CONTRACTED WITH THE DEPARTMENT PURSUANT TO SECTION 31-282.

C. FOR THE PURPOSES OF THIS SECTION, "ELIGIBLE PERSON" MEANS AN INMATE WHO IS ELIGIBLE TO RECEIVE TRANSITION SERVICES BASED ON THE INMATE'S RISK AND NEED AS DETERMINED BY THE DIRECTOR PURSUANT TO SECTION 31-281.