

Senate Engrossed

prisoners; transition services; noncontracted entities

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

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)

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

2 Section 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 EITHER:

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

12 2. ALLOW NONCONTRACTED PRIVATE OR NONPROFIT ENTITIES TO PROVIDE
13 ELIGIBLE INMATES WITH TRANSITION SERVICES.

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

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

19 (a) Not have been convicted of a sexual offense pursuant to title
20 13, chapter 14 or a violation of title 13, chapter 17.

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

24 (c) Not have any felony detainers.

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

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

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

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

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

40 3. A requirement that the services offered to an inmate include
41 psychoeducational counseling and case management services as determined by
42 the department. The counseling and services may include substance abuse
43 treatment, anger management, cognitive behavioral therapy, parenting
44 skills and family reunification training, further education and job
45 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 5. A REQUIREMENT THAT AN INMATE MUST USE A CONTRACTED ENTITY TO
9 PROVIDE TRANSITION SERVICES UNLESS THE ELIGIBLE INMATE CHOOSES A
10 NONCONTRACTED PRIVATE OR NONPROFIT ENTITY TO PROVIDE TRANSITION SERVICES
11 PURSUANT TO SECTION 31-283.

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

14 D. The department shall:

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

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

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

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

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

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

34 (d) The types of services provided.

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

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

43 E. Notwithstanding subsection B, paragraph 1 of this section, if an
44 inmate agrees to comply with any condition that is established and
45 required by section 41-1604.07, subsection F, has been convicted of the

1 possession or use of marijuana pursuant to section 13-3405, subsection A,
2 paragraph 1, possession or use of a dangerous drug pursuant to section
3 13-3407, subsection A, paragraph 1, possession or use of a narcotic drug
4 pursuant to section 13-3408, subsection A, paragraph 1 or possession or
5 use of drug paraphernalia pursuant to section 13-3415, subsection A and is
6 not concurrently serving another sentence for an offense that is not
7 listed in this subsection, the inmate is eligible for and shall be
8 released to enter the transition program. The director may not exclude an
9 inmate who is eligible for the transition program pursuant to this
10 subsection because the inmate does not have a place to reside before being
11 released, except that the director shall exclude an inmate who has any of
12 the following:

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

15 2. A felony detainer.

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

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

23 5. Failed to achieve functional literacy as required by section
24 41-1604.07, subsection F, unless the inmate is enrolled in a program that
25 prepares the inmate to achieve functional literacy.

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

28 7. Refused enrollment in or been removed for poor behavior from a
29 major self-improvement program within the previous eighteen months unless
30 the inmate has subsequently enrolled in and completed the major
31 self-improvement program.

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

34 Sec. 2. Title 31, chapter 2, article 6, Arizona Revised Statutes,
35 is amended by adding section 31-283, to read:

36 31-283. Noncontracted entities; definition

37 A. THE DEPARTMENT SHALL ALLOW AN ELIGIBLE PERSON TO CHOOSE TO
38 RECEIVE TRANSITION SERVICES FROM A PRIVATE OR NONPROFIT ENTITY THAT IS NOT
39 CONTRACTED WITH THE DEPARTMENT PURSUANT TO SECTION 31-282 IF THE PRIVATE
40 OR NONPROFIT ENTITY AGREES TO DO ALL OF THE FOLLOWING:

41 1. PROVIDE TRANSITION SERVICES TO AN ELIGIBLE PERSON.

42 2. BE LICENSED BY THE DEPARTMENT OF HEALTH SERVICES.

43 3. TRAIN MENTORS OR CERTIFY THAT MENTORS ARE TRAINED.

44 4. PROVIDE CASE MANAGEMENT AND INREACH TO AN ELIGIBLE PERSON BEFORE
45 THE PERSON BECOMES ELIGIBLE FOR TRANSITION SERVICES.

1 5. PROVIDE SERVICES TO AN ELIGIBLE PERSON THAT INCLUDE
2 PSYCHOEDUCATIONAL COUNSELING AND CASE MANAGEMENT SERVICES. THE COUNSELING
3 AND SERVICES MAY INCLUDE SUBSTANCE ABUSE TREATMENT, ANGER MANAGEMENT,
4 COGNITIVE BEHAVIORAL THERAPY, PARENTING SKILLS AND FAMILY REUNIFICATION
5 TRAINING, FURTHER EDUCATION AND JOB PLACEMENT. THE ENTITY SHALL ALSO
6 PROVIDE:

7 (a) EMPLOYMENT, EMPLOYMENT ASSISTANCE AND CAREER COUNSELING
8 SERVICES.

9 (b) BASIC ACADEMIC EDUCATION, GENERAL EQUIVALENCY DIPLOMA
10 PREPARATION AND POSTSECONDARY EDUCATION JOB TRAINING.

11 (c) TRANSITIONAL NEEDS, INCLUDING HOUSING, FOOD OR TREATMENT
12 SERVICES.

13 (d) ASSISTANCE IN FINDING HEALTH INSURANCE COVERAGE FOR THE
14 ELIGIBLE PERSON AND, IF APPLICABLE, MEDICAL ASSISTANCE, INCLUDING
15 ASSISTANCE IN FINDING NECESSARY MEDICATION.

16 6. PHYSICAL HEALTH AND WELLNESS SERVICES.

17 7. INFORMATION TO THE DEPARTMENT TO ALLOW THE DEPARTMENT TO CONDUCT
18 ITS ANNUAL STUDY TO DETERMINE THE RECIDIVISM RATE OF ELIGIBLE PERSONS WHO
19 RECEIVE TRANSITION SERVICES.

20 B. IF THE DEPARTMENT DETERMINES THAT A PRIVATE OR NONPROFIT ENTITY
21 THAT IS NOT CONTRACTED WITH THE DEPARTMENT DOES NOT MEET THE REQUIREMENTS
22 OF THIS SECTION, THE PRIVATE OR NONPROFIT ENTITY SHALL BE GIVEN THE
23 OPPORTUNITY TO COMPLY WITH THIS SECTION. IF THE PRIVATE OR NONPROFIT
24 ENTITY THAT IS NOT CONTRACTED WITH THE DEPARTMENT DOES NOT COME INTO
25 COMPLIANCE, THE DEPARTMENT SHALL REQUIRE THE ELIGIBLE PERSON TO RECEIVE
26 TRANSITION SERVICES FROM A PRIVATE OR NONPROFIT ENTITY THAT IS CONTRACTED
27 WITH THE DEPARTMENT PURSUANT TO SECTION 31-282.

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