

REFERENCE TITLE: **communications from inmate; victims' right**

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2108

Introduced by
Representatives Biasiucci: Willoughby

AN ACT

**AMENDING SECTIONS 8-392.01, 13-4411.01 AND 31-235, ARIZONA REVISED
STATUTES; RELATING TO CRIME VICTIMS' RIGHTS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 8-392.01, Arizona Revised Statutes, is amended to read:

8-392.01. Notice of right to request not to receive committed youth communication; definition

A. Within fifteen days after a juvenile defendant is committed to the department of juvenile corrections, the prosecutor's office shall notify the victim of the right of the victim, any member of the victim's family or any member of the victim's household, ~~to~~ to request not to receive ~~mail~~ ANY COMMUNICATION from the committed youth who was adjudicated delinquent for an offense committed against the victim. The notice shall:

1. Be made on the postadjudication NOTICE REQUEST form provided by the prosecutor to the victim pursuant to section 8-392.

2. Inform the victim of the right of the victim, OR any member of the victim's family or ~~any member of the victim's~~ household who is denoted by the victim on the form, to request not to receive ~~mail~~ ANY COMMUNICATION from the committed youth.

3. Instruct the victim how to file the completed request form with the department of juvenile corrections.

4. Include the following statement:

~~"~~If the juvenile defendant is incarcerated in the department of juvenile corrections, you have the right to request that the juvenile defendant not send you, members of your family or members of your household ~~mail~~ ANY COMMUNICATION. If the juvenile defendant sends you or your family OR HOUSEHOLD members ~~mail~~ ANY COMMUNICATION after you have made this request, you or the members of your family OR HOUSEHOLD have the right to report the incident to the department of juvenile corrections for sanctions against the juvenile defendant."~~"~~

B. On receipt of a postadjudication ~~notification~~ NOTICE request form in which a request not to receive ~~mail~~ ANY COMMUNICATION is indicated, the department of juvenile corrections shall notify the committed youth of the request and that ~~sending mail~~ MAKING ANY COMMUNICATION to the victim, or the family or household members who are denoted by the victim, shall result in appropriate sanctions.

C. The department of juvenile corrections shall not knowingly ~~forward mail addressed~~ ALLOW ANY COMMUNICATION to any person who requests not to receive ~~mail~~ ANY COMMITTED YOUTH COMMUNICATION pursuant to this section.

D. FOR THE PURPOSES OF THIS SECTION, "COMMUNICATION" MEANS ANY WRITTEN, VERBAL OR NONVERBAL COMMUNICATION, INCLUDING MAIL, ELECTRONIC COMMUNICATIONS AND TELEPHONE CALLS.

Sec. 2. Section 13-4411.01, Arizona Revised Statutes, is amended to read:

13-4411.01. Notice of right to request not to receive inmate communication; definition

A. Within fifteen days after a defendant is sentenced to the state department of corrections, the prosecutor's office shall notify the victim of the right of the victim, any member of the victim's family or any member of the victim's household, to request not to receive ~~mail~~ ANY COMMUNICATION from the inmate who was convicted of committing a criminal offense against the victim. The notice shall:

1. Be made on the postconviction notice request form provided by the prosecutor to the victim pursuant to section 13-4411.

2. Inform the victim of the right of the victim, or any member of the victim's family or household who is denoted by the victim on the form, to request not to receive ~~mail~~ ANY COMMUNICATION from the inmate.

3. Instruct the victim how to file the completed request form with the state department of corrections.

4. Include the following statement:

"If the defendant is incarcerated in the state department of corrections, you have the right to request that the defendant not send you, members of your family or members of ~~the victim's~~ YOUR household ~~mail~~ ANY COMMUNICATION. If the defendant sends you or your family or household members ~~mail~~ ANY COMMUNICATION after you have made this request, you or the members of your family or household have the right to report the incident to the state department of corrections for sanctions against the defendant."

B. On receipt of a postconviction notice request form in which a request not to receive ANY inmate ~~mail~~ COMMUNICATION is indicated, the state department of corrections shall notify the inmate of the request and that ~~sending mail~~ MAKING ANY COMMUNICATION to the victim, or the family or household members who are denoted by the victim, will result in appropriate sanctions, including reduction or denial of earned release credits and review of all outgoing ~~mail~~ COMMUNICATIONS.

C. The department shall not knowingly ~~forward mail addressed~~ ALLOW ANY COMMUNICATION to any person who requests not to receive ~~mail~~, ANY INMATE COMMUNICATION pursuant to this section, ~~is not to receive mail~~.

D. FOR THE PURPOSES OF THIS SECTION, "COMMUNICATION" MEANS ANY WRITTEN, VERBAL OR NONVERBAL COMMUNICATION, INCLUDING MAIL, ELECTRONIC COMMUNICATIONS AND TELEPHONE CALLS.

1 Sec. 3. Section 31-235, Arizona Revised Statutes, is amended to
2 read:

3 31-235. Prisoner correspondence; definitions

4 A. The department shall mark all mail written by a prisoner
5 committed to the state department of corrections indicating that the mail
6 was sent from a prison maintained by this state.

7 B. An inmate shall not send ~~mail~~ ANY COMMUNICATION to the victim of
8 the offense for which the inmate was convicted, or to members of the
9 victim's family or household denoted by the victim, if the victim has
10 requested not to receive ~~mail~~ ANY COMMUNICATION pursuant to section
11 13-4411.01. The department shall inform the inmate of persons to whom the
12 inmate is forbidden to send ~~mail~~ ANY COMMUNICATION pursuant to this
13 section and section 13-4411.01. The department shall impose appropriate
14 sanctions, including reducing or denying earned release credits, against
15 an inmate who corresponds or attempts to correspond with a person in
16 violation of the request pursuant to section 13-4411.01.

17 C. An inmate shall not send mail to or receive mail from a
18 communication service provider or remote computing service. The
19 department shall impose appropriate sanctions, including reducing or
20 denying earned release credits, against an inmate if either of the
21 following applies:

22 1. The inmate corresponds or attempts to correspond with a
23 communication service provider or remote computing service.

24 2. Any person accesses the provider's or service's internet ~~web~~
25 ~~site~~ WEBSITE at the inmate's request.

26 D. On receipt of notice that an inmate has violated subsection B or
27 C of this section, the department shall review all of the inmate's
28 outgoing ~~mail~~ COMMUNICATIONS to ensure that no further correspondence is
29 sent to the victim or to the victim's family or household members who have
30 requested not to receive inmate ~~mail~~ ANY COMMUNICATION or to the
31 communication service provider or remote computing service or any person
32 who accesses the provider's or service's internet ~~web-site~~ WEBSITE.

33 E. For the purposes of this section:

34 1. "COMMUNICATIONS" MEANS ANY WRITTEN, VERBAL OR NONVERBAL
35 COMMUNICATION, INCLUDING MAIL, ELECTRONIC COMMUNICATIONS AND TELEPHONE
36 CALLS.

37 ~~1.~~ 2. "Communication service provider" has the same meaning
38 prescribed in section ~~13-3004~~ 13-3001.

39 ~~2.~~ 3. "Remote computing service" has the same meaning prescribed
40 in section ~~13-3004~~ 13-3001.