

REFERENCE TITLE: community treatment program; imprisoned women

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SB 1315

Introduced by
Senator Mesnard

AN ACT

AMENDING SECTIONS 41-1604.13 AND 41-1612, ARIZONA REVISED STATUTES;
RELATING TO THE STATE DEPARTMENT OF CORRECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-1604.13, Arizona Revised Statutes, is amended
3 to read:

4 41-1604.13. Home arrest; eligibility; victim notification;
5 conditions; applicability; definitions

6 A. An inmate who has served not less than six months of the
7 sentence imposed by the court is eligible for the home arrest program if
8 the inmate:

9 1. Meets the following criteria:

10 (a) Was convicted of committing a class 4, 5 or 6 felony not
11 involving a dangerous offense.

12 (b) Was not convicted of a sexual offense.

13 (c) Has not previously been convicted of any felony.

14 2. Violated parole by the commission of a technical violation that
15 was not chargeable or indictable as a criminal offense.

16 3. Is eligible for work furlough.

17 4. Is eligible for parole pursuant to section 31-412, subsection A.

18 5. NOTWITHSTANDING SUBSECTION J OF THIS SECTION, IS A PARTICIPANT
19 IN THE COMMUNITY TREATMENT PROGRAM FOR IMPRISONED WOMEN AND THEIR CHILDREN
20 PURSUANT TO SECTION 41-1612.

21 B. The board of executive clemency shall determine which inmates
22 are released to the home arrest program based on the criteria in
23 subsection A of this section and based on a determination that there is a
24 substantial probability that the inmate will remain at liberty without
25 violating the law and that the release is in the best interests of the
26 state after considering the offense for which the inmate is presently
27 incarcerated, the prior record of the inmate, the conduct of the inmate
28 while incarcerated and any other information concerning the inmate that is
29 in the possession of the state department of corrections, including any
30 presentence report. The board maintains the responsibility of revocation
31 as applicable to all parolees.

32 C. An inmate who is otherwise eligible for home arrest, who is not
33 on work furlough and who is currently serving a sentence for a conviction
34 of a serious offense or conspiracy to commit or attempt to commit a
35 serious offense shall not be granted home arrest except by one of the
36 following votes:

37 1. A majority affirmative vote if four or more members of the board
38 of executive clemency consider the action.

39 2. A unanimous affirmative vote if three members of the board of
40 executive clemency consider the action.

41 3. A unanimous affirmative vote if two members of the board of
42 executive clemency consider the action pursuant to section 31-401,
43 subsection I and the chairman of the board concurs after reviewing the
44 information considered by the two members.

45 D. Home arrest is conditioned on the following:

1 1. Active electronic monitoring surveillance for a minimum term of
2 one year or until eligible for general parole.

3 2. Participation in gainful employment or other beneficial
4 activities.

5 3. Submission to alcohol and drug tests as mandated.

6 4. Payment of the electronic monitoring fee in an amount determined
7 by the board of not less than \$1 per day and not more than the total cost
8 of the electronic monitoring unless, after determining the inability of
9 the inmate to pay the fee, the board requires payment of a lesser amount.
10 The fees collected shall be returned to the department's home arrest
11 program to offset operational costs of the program.

12 5. Remaining at the inmate's place of residence at all times except
13 for movement out of the residence according to mandated conditions.

14 6. Adherence to any other conditions imposed by the court, board of
15 executive clemency or supervising corrections officers.

16 7. Compliance with all other conditions of supervision.

17 8. Payment of a monthly home arrest supervision fee of at least \$65
18 unless, after determining the inability of the inmate to pay the fee, the
19 department requires payment of a lesser amount. The supervising
20 corrections officer shall monitor the collection of the fee. Monies
21 collected shall be deposited, pursuant to sections 35-146 and 35-147, in
22 the community corrections enhancement fund established by section 31-418.

23 9. Payment of a drug testing fee in an amount to be determined by
24 the board and not to exceed the costs of the drug testing program. The
25 fees collected pursuant to this paragraph by the department may only be
26 used to offset the costs of the drug testing program.

27 E. Before holding a hearing on home arrest, the board on request
28 shall notify and afford an opportunity to be heard to the presiding judge
29 of the superior court in the county in which the inmate requesting home
30 arrest was sentenced, the prosecuting attorney and the director of the
31 arresting law enforcement agency. The board shall notify the victim of
32 the offense for which the inmate is incarcerated. The notice shall state
33 the name of the inmate requesting home arrest, the offense for which the
34 inmate was sentenced, the length of the sentence and the date of admission
35 to the custody of the state department of corrections. The notice to the
36 victim shall also inform the victim of the victim's right to be present
37 and to submit a written report to the board expressing the victim's
38 opinion concerning the inmate's release. A hearing concerning home arrest
39 may not be held until fifteen days after the date of giving the notice.
40 On mailing the notice, the board shall file a hard copy of the notice as
41 evidence that notification was sent.

42 F. An inmate who is placed on home arrest is on inmate status, is
43 subject to all the limitations of rights and movement and is entitled only
44 to due process rights of return.

G. If an inmate violates a condition of home arrest that poses any threat or danger to the community, or commits an additional felony offense, the board shall revoke the home arrest and return the inmate to the custody of the state department of corrections to complete the term of imprisonment as authorized by law.

H. The ratio of supervising corrections officers to supervisees in the home arrest program shall not be greater than one officer for every twenty-five supervisees.

I. The board shall determine when the supervisee is eligible for transfer to the regular parole program pursuant to section 31-411.

J. This section applies only to persons who commit felony offenses before January 1, 1994.

K. For the purposes of this section:

1. "Dangerous offense" has the same meaning prescribed in section 13-105.

2. "Serious offense" includes any of the following:

(a) A serious offense as defined in section 13-706, subsection F, paragraph 1, subdivision (a), (b), (c), (d), (e), (g), (h), (i), (j) or (k).

(b) A dangerous crime against children as defined in section 13-705. The citation of section 13-705 is not a necessary element for a serious offense designation.

(c) A conviction under a prior criminal code for any offense that possesses reasonably equivalent offense elements as the offense elements that are listed under section 13-705, subsection T, paragraph 1 or section 13-706, subsection F, paragraph 1.

Sec. 2. Section 41-1612, Arizona Revised Statutes, is amended to read:

41-1612. Community treatment program for imprisoned women; rules; eligibility; requirements; annual report

A. The department shall establish a community treatment program for imprisoned women and their children. Subject to the availability of monies, **WITHIN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION**, the department shall contract with an experienced nonprofit entity to establish and operate a community treatment center and may transfer a woman who ~~has recently given birth~~ **MEETS THE ELIGIBILITY CRITERIA ESTABLISHED PURSUANT TO SUBSECTIONS B AND F OF THIS SECTION** to the community treatment center to live with her child or children. The community treatment program for imprisoned women shall provide trauma-informed substance abuse treatment, mental health treatment and a secure environment for the woman and her child or children.

B. The department shall adopt rules for the community treatment program for imprisoned women, including the eligibility requirements for entering the program and living in the community treatment center. The department shall take into account public safety and generally accepted

1 correctional practices when developing and implementing rules regarding
2 the community treatment program.

3 C. The community treatment program shall provide programs and
4 support services to assist mothers and their children in developing the
5 skills necessary to become functioning, self-sufficient families,
6 including:

- 7 1. Substance abuse treatment.
- 8 2. Well-being and emotional supports.
- 9 3. Parenting skills.
- 10 4. Educational and employment skills.
- 11 5. Financial literacy.
- 12 6. Workforce skills training.

13 D. The nonprofit entity contracted pursuant to subsection A of this
14 section shall ~~provide pediatric care consistent with medical standards~~
15 ~~and, to the extent feasible, shall be guided by the need to~~ provide the
16 following:

17 1. A stable, caregiving, stimulating environment for the children
18 as developed and supervised by professional guidance in the area of child
19 development.

20 2. Programs that are geared to ensure the stability of the
21 parent-child relationship during and after participating in the program
22 and that are developed and supervised by appropriate professional
23 guidance. At a minimum, these programs shall be geared to accomplish the
24 following:

- 25 (a) The mother's management of identified substance abuse.
- 26 (b) The mother's familiarity with good parenting skills.
- 27 (c) The mother's ability to function in the community, on community
28 supervision, ~~or~~ release OR HOME ARREST, as a law-abiding citizen.
- 29 (d) Securing adequate housing arrangements after participating in
30 the program.
- 31 (e) Securing adequate child care arrangements after participating
32 in the program.
- 33 (f) Engaging in productive employment after participating in the
34 program.

35 3. The least restrictive alternative to incarceration and restraint
36 possible to achieve the objectives of correction and of this section
37 consistent with public safety and justice.

38 4. APPROPRIATE MEDICAL CARE FOR PARTICIPANTS IN THE PROGRAM OR
39 SHALL ENSURE THAT PARTICIPANTS IN THE PROGRAM RECEIVE APPROPRIATE MEDICAL
40 CARE, INCLUDING POSTNATAL AND PEDIATRIC CARE AND MAKING NECESSARY MEDICAL
41 APPOINTMENTS AND TRANSPORTATION ARRANGEMENTS. THE NONPROFIT ENTITY
42 CONTRACTED PURSUANT TO SUBSECTION A OF THIS SECTION IS NOT FINANCIALLY
43 RESPONSIBLE FOR THE COST OF A PARTICIPANT'S MEDICAL SERVICES, BUT IS
44 RESPONSIBLE FOR FINDING INSURANCE FOR THE PARTICIPANTS.

1 E. In the first year after the department establishes the community
2 treatment program, subject to the availability of monies, the department
3 shall place up to twenty women in the program. In the second year and
4 each year thereafter, subject to the availability of monies, the
5 department shall place up to fifty women in the program.

6 F. To be eligible for the program, an inmate must be a woman who
7 gives birth to a child while imprisoned and who is scheduled to be
8 released from imprisonment in five years or less.

9 G. A child who resides at the community treatment center is not
10 subject to the same security restrictions as the prisoner except as
11 necessary to ensure the child's safety, the security of the facility and
12 compliance with program rules.

13 H. PARTICIPANTS IN THE COMMUNITY TREATMENT PROGRAM ARE ELIGIBLE FOR
14 THE HOME ARREST PROGRAM PURSUANT TO SECTION 41-1604.13.

15 I. ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE DEPARTMENT SHALL
16 SUBMIT A WRITTEN REPORT TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND
17 THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND PROVIDE A COPY TO THE
18 SECRETARY OF STATE THAT CONTAINS ANY FINDINGS AND RECOMMENDATIONS ON HOW
19 TO IMPROVE THE COMMUNITY TREATMENT PROGRAM. THE DEPARTMENT SHALL ALSO
20 INCLUDE IN THE DEPARTMENT'S PUBLIC-FACING MONTHLY AND ANNUAL REPORT THE
21 NUMBER OF WOMEN PARTICIPATING IN THE COMMUNITY TREATMENT PROGRAM.