

REFERENCE TITLE: home confinement; eligibility; electronic monitoring

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

SB 1366

Introduced by
Senator Payne

AN ACT

AMENDING SECTION 31-418, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 11, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1604.21; RELATING TO THE STATE DEPARTMENT OF CORRECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 31-418, Arizona Revised Statutes, is amended to read:

31-418. Community supervision fee; deposit; community corrections enhancement fund; drug testing costs

A. During the period of time that the prisoner remains on community supervision, the state department of corrections shall require as a condition of community supervision that the prisoner pay a monthly supervision fee of at least ~~sixty-five dollars~~ \$65 unless, after determining the inability of the prisoner to pay the fee, the department requires payment of a lesser amount. The supervising community supervision officer shall monitor the collection of the fee.

B. Seventy ~~per cent~~ PERCENT of the monies collected pursuant to subsection A of this section shall be deposited, pursuant to sections 35-146 and 35-147, in the victim compensation and assistance fund established by section 41-2407 and thirty ~~per cent~~ PERCENT shall be deposited in the community corrections enhancement fund established by this section.

C. The community corrections enhancement fund is established consisting of monies received pursuant to subsection B of this section, sections 31-411, 31-467.06, ~~and~~ 41-1604.08 ~~AND~~ 41-1604.21 and section 41-1604.13, subsection D, paragraph 8. The department shall administer the fund and use fund monies to pay for costs related to community corrections.

D. In addition to any other fees, the department may require as a condition of community supervision that the prisoner pay the reasonable costs associated with the prisoner's participation in a drug testing program. The prisoner's costs shall not exceed the department's cost for the program. The monies collected pursuant to this subsection by the department may only be used to offset the costs of the drug testing program.

Sec. 2. Title 41, chapter 11, article 1, Arizona Revised Statutes, is amended by adding section 41-1604.21, to read:

41-1604.21. Home confinement; eligibility; victim notification; conditions; fees; revocation; ratios

A. AN INMATE WHO HAS SERVED AT LEAST ONE YEAR OF THE SENTENCE IMPOSED BY THE COURT IS ELIGIBLE FOR THE HOME CONFINEMENT PROGRAM IF THE INMATE MEETS ALL OF THE FOLLOWING CRITERIA:

1. WAS CONVICTED OF A VIOLATION OF SECTION 13-1503, 13-1504, 13-1505 OR 13-1506, SECTION 13-2312, SUBSECTION C, SECTION 13-2316, SECTION 13-2317, SUBSECTION C OR SECTION 13-2809, 13-3107 OR 13-4702, ANY CLASS 4, 5 OR 6 FELONY OFFENSE IN TITLE 13, CHAPTER 34 OR 34.1 OR ANY FELONY OFFENSE IN TITLE 13, CHAPTER 16, 18, 20, 21 OR 22.

1 2. IS WITHIN EIGHTEEN MONTHS OF BEGINNING ANY FORM OF RELEASE FROM
2 INCARCERATION.

3 3. HAS NOT PREVIOUSLY BEEN CONVICTED OF A DANGEROUS CRIME AGAINST
4 CHILDREN AS DEFINED IN SECTION 13-705 OR A SERIOUS OFFENSE OR A VIOLENT OR
5 AGGRAVATED FELONY AS DEFINED IN SECTION 13-706.

6 4. DOES NOT HAVE ANY VIOLENT DISCIPLINARY INFRACTIONS DURING THE
7 CURRENT TERM OF IMPRISONMENT.

8 5. HAS NOT PREVIOUSLY PARTICIPATED IN THE HOME CONFINEMENT PROGRAM
9 PURSUANT TO THIS SECTION.

10 6. DOES NOT HAVE ANY FELONY WARRANTS OR DETAINERS.

11 B. THE DEPARTMENT SHALL ADOPT RULES OUTLINING THE HOME CONFINEMENT
12 PROGRAM. THE RULES SHALL INCLUDE ALL OF THE FOLLOWING:

13 1. METHODOLOGY FOR ALERTING THE INMATE POPULATION ABOUT THE HOME
14 CONFINEMENT PROGRAM.

15 2. ELIGIBILITY, INCLUDING THE REQUIREMENT FOR AN INMATE TO FIND AND
16 PARTICIPATE IN GAINFUL EMPLOYMENT OR EDUCATION TO QUALIFY FOR THE PROGRAM,
17 UNLESS A DISABILITY PREVENTS THE INMATE FROM DOING SO.

18 3. THE APPLICATION PROCESS.

19 4. THE CRITERIA FOR ACCEPTANCE, INCLUDING ANY REQUIREMENTS RELATED
20 TO HOUSING, EMPLOYMENT AND HEALTH CARE.

21 C. THE DEPARTMENT SHALL ENSURE THAT ALL ELIGIBLE APPLICANTS HAVE
22 EQUITABLE ACCESS TO MEET THE HOME CONFINEMENT PROGRAM'S REQUIREMENTS AND
23 SHALL PROVIDE ASSISTANCE TO APPLICANTS IN COMPLETING ANY PROGRAM
24 REQUIREMENTS.

25 D. WITHIN NINETY DAYS AFTER RECEIVING A COMPLETE APPLICATION FOR
26 THE HOME CONFINEMENT PROGRAM, THE DEPARTMENT SHALL EVALUATE THE
27 APPLICATION AND ENSURE THAT ALL ELIGIBILITY REQUIREMENTS ARE MET.

28 E. THE APPROVAL OF AN APPLICATION IS SUBJECT TO THE INPUT OF THE
29 VICTIM OF THE OFFENSE FOR WHICH THE INMATE IS INCARCERATED. IF ALL
30 CRITERIA ARE MET, THE DEPARTMENT SHALL NOTIFY THE VICTIM WITHIN TEN DAYS
31 AFTER RECEIVING THE VERIFIED APPLICATION. THE DEPARTMENT SHALL GIVE THE
32 VICTIM THE OPPORTUNITY TO PROVIDE ANY FEEDBACK ABOUT THE INMATE AND SHALL
33 REVIEW THE VICTIM'S FEEDBACK WITHIN TEN DAYS AFTER RECEIVING THE FEEDBACK.
34 THE VICTIM'S FEEDBACK SHALL BE THE FINAL PORTION OF THE INMATE'S HOME
35 CONFINEMENT APPLICATION.

36 F. TWELVE MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE
37 DEPARTMENT MAY ENTER INTO A CONTRACT WITH AN ENTITY TO EVALUATE THE
38 EFFECTIVENESS OF THE HOME CONFINEMENT PROGRAM BASED ON ALL OF THE
39 FOLLOWING:

40 1. THE TOTAL NUMBER OF ELIGIBLE INMATES.

41 2. THE TOTAL NUMBER OF ACTIVE PARTICIPANTS.

42 3. THE TOTAL NUMBER OF INMATES THAT RETURNED TO CUSTODY BEFORE
43 COMPLETING THE PROGRAM.

44 G. AN INMATE WHO PARTICIPATES IN THE HOME CONFINEMENT PROGRAM
45 PURSUANT TO THIS SECTION SHALL BE MONITORED BY THE DEPARTMENT THROUGH

1 ELECTRONIC MONITORING SURVEILLANCE, WHICH MAY INCORPORATE WEARABLE
2 TECHNOLOGY USING MOBILE BIOMETRIC AUTHENTICATION, FOR AT LEAST ONE YEAR OR
3 UNTIL THE INMATE BECOMES ELIGIBLE FOR PROBATION OR COMMUNITY SUPERVISION.

4 H. THE DEPARTMENT MAY ORDER AN INMATE TO PAY A MONTHLY HOME
5 CONFINEMENT SUPERVISION FEE IN AN AMOUNT THAT IS DETERMINED BY THE
6 DEPARTMENT UNLESS, AFTER DETERMINING THE INABILITY OF THE INMATE TO PAY
7 THE FEE, THE DEPARTMENT REQUIRES PAYMENT OF A LESSER AMOUNT. THE
8 SUPERVISING CORRECTIONS OFFICER SHALL MONITOR THE COLLECTION OF THE FEE.
9 MONIES COLLECTED SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND
10 35-147, IN THE COMMUNITY CORRECTIONS ENHANCEMENT FUND ESTABLISHED BY
11 SECTION 31-418.

12 I. AN INMATE WHO IS PLACED IN THE HOME CONFINEMENT PROGRAM SHALL
13 REMAIN ON INMATE STATUS AND IS SUBJECT TO ALL OF THE LIMITS ON RIGHTS AND
14 MOVEMENT. IF AN INMATE VIOLATES A CONDITION OF THE HOME CONFINEMENT
15 PROGRAM, THE DEPARTMENT MAY REVOKE THE HOME CONFINEMENT AND RETURN THE
16 INMATE TO THE CUSTODY OF THE DEPARTMENT TO COMPLETE THE TERM OF
17 IMPRISONMENT AS AUTHORIZED BY LAW.

18 J. IF AN INMATE IS ARRESTED FOR A SUBSEQUENT FELONY OFFENSE THAT IS
19 COMMITTED WHILE IN THE HOME CONFINEMENT PROGRAM PURSUANT TO THIS SECTION,
20 THE DEPARTMENT SHALL REVOKE THE HOME CONFINEMENT AND RETURN THE INMATE TO
21 THE CUSTODY OF THE DEPARTMENT TO COMPLETE THE TERM OF IMPRISONMENT AS
22 AUTHORIZED BY LAW.

23 K. THE RATIO OF SUPERVISING CORRECTIONS OFFICERS TO SUPERVISEES IN
24 THE HOME CONFINEMENT PROGRAM MAY NOT EXCEED ONE OFFICER FOR EVERY ONE
25 HUNDRED SUPERVISEES.

26 Sec. 3. Effective date

27 This act is effective from and after March 31, 2026.