

REFERENCE TITLE: home confinement; eligibility; electronic monitoring

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2770

Introduced by
Representative Powell

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)

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

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

4 31-418. Community supervision fee; deposit; community
5 corrections enhancement fund; drug testing costs

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

13 B. Seventy ~~per cent~~ PERCENT of the monies collected pursuant to
14 subsection A of this section shall be deposited, pursuant to sections
15 35-146 and 35-147, in the victim compensation and assistance fund
16 established by section 41-2407 and thirty ~~per cent~~ PERCENT shall be
17 deposited in the community corrections enhancement fund established by
18 this section.

19 C. The community corrections enhancement fund is established
20 consisting of monies received pursuant to subsection B of this section,
21 sections 31-411, 31-467.06 ~~and~~ 41-1604.08 ~~AND~~ 41-1604.21 and section
22 41-1604.13, subsection D, paragraph 8. The department shall administer
23 the fund and use fund monies to pay for costs related to community
24 corrections.

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

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

34 41-1604.21. Home confinement; eligibility; victim
35 notification; conditions; fees; revocation;
36 ratios; applicability

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

40 1. WAS CONVICTED OF A VIOLATION OF SECTION 13-1503, 13-1504,
41 13-1505, 13-1506, 13-2316, 13-2809 OR 13-3107, ANY FELONY OFFENSE IN TITLE
42 13, CHAPTER 16, 18, 20, 21 OR 22 OR ANY CLASS 4, 5 OR 6 FELONY OFFENSE IN
43 TITLE 13, CHAPTER 34 OR 34.1.

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

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

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

6 5. HAS NOT PREVIOUSLY PARTICIPATED IN THE HOME CONFINEMENT PROGRAM
7 PURSUANT TO THIS SECTION.

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

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

11 1. THE METHOD OF NOTIFYING THE INMATE POPULATION ABOUT THE HOME
12 CONFINEMENT PROGRAM.

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

16 3. THE APPLICATION PROCESS.

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

19 C. THE DEPARTMENT SHALL ENSURE THAT ALL ELIGIBLE APPLICANTS RESIDE
20 IN A LOCATION WHERE ELECTRONIC MONITORING TECHNOLOGY IS FUNCTIONAL AND
21 HAVE EQUITABLE ACCESS TO MEET THE HOME CONFINEMENT PROGRAM'S REQUIREMENTS,
22 AND SHALL PROVIDE ASSISTANCE TO APPLICANTS IN COMPLETING ANY PROGRAM
23 REQUIREMENTS.

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

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

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

39 1. THE TOTAL NUMBER OF ELIGIBLE INMATES.

40 2. THE TOTAL NUMBER OF ACTIVE PARTICIPANTS.

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

43 G. AN INMATE WHO PARTICIPATES IN THE HOME CONFINEMENT PROGRAM
44 PURSUANT TO THIS SECTION SHALL BE MONITORED BY THE DEPARTMENT THROUGH
45 ELECTRONIC MONITORING SURVEILLANCE, WHICH MAY INCORPORATE WEARABLE

1 TECHNOLOGY USING MOBILE BIOMETRIC AUTHENTICATION, FOR AT LEAST ONE YEAR OR
2 UNTIL THE INMATE BECOMES ELIGIBLE FOR PROBATION OR COMMUNITY SUPERVISION.

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

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

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

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

25 L. INMATES WHO DO NOT REACH THEIR TENTATIVE RELEASE DATE AND WHO
26 RETURN TO CUSTODY FOR TECHNICAL VIOLATIONS WHILE PARTICIPATING IN THE HOME
27 CONFINEMENT PROGRAM FORFEIT THEIR TENTATIVE RELEASE AND REMAIN IN CUSTODY
28 UNTIL THEIR EARNED RELEASE CREDIT DATE.

29 M. THIS SECTION APPLIES TO ALL OF THE FOLLOWING:

30 1. FROM AND AFTER DECEMBER 31, 2026 THROUGH MARCH 31, 2027, INMATES
31 WHO HAVE SIX MONTHS REMAINING ON THEIR SENTENCE.

32 2. FROM AND AFTER MARCH 31, 2027 THROUGH JUNE 30, 2027, INMATES WHO
33 HAVE TWELVE MONTHS REMAINING ON THEIR SENTENCE.

34 3. FROM AND AFTER JUNE 30, 2027, INMATES WHO HAVE EIGHTEEN MONTHS
35 REMAINING ON THEIR SENTENCE.

36 Sec. 3. Retroactivity

37 This act applies retroactively to from and after December 31, 1993.