

REFERENCE TITLE: private prisons; contracts; prohibition

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

HB 2823

Introduced by

Representatives Caverio: Abeytia, Aguilar, Austin, Blattman, Connolly,
Contreras P, Crews, Garcia, Gutierrez, Hernandez A, Hernandez C, Hernandez
L, Liguori, Luna-Nájera, Peshlakai, Simacek, Stahl Hamilton, Travers,
Villegas, Volk

AN ACT

AMENDING TITLE 41, CHAPTER 11, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 41-1609.05; 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. Title 41, chapter 11, article 1, Arizona Revised
3 Statutes, is amended by adding section 41-1609.05, to read:

4 41-1609.05. Private prisons; contracts; minimum occupancy
5 clause; definition

6 A. NOTWITHSTANDING ANY OTHER LAW, THE DEPARTMENT MAY NOT RENEW A
7 CONTRACT OR ENTER INTO A NEW CONTRACT WITH A PRIVATE PRISON OPERATOR THAT
8 INCLUDES A MINIMUM OCCUPANCY CLAUSE. ALL CONTRACTS PURSUANT TO THIS
9 SECTION SHALL STATE THAT THE DEPARTMENT WILL ONLY PAY FOR RATES THAT
10 REPRESENT THE ACTUAL NUMBER OF INMATES WHO ARE PHYSICALLY HOUSED AT THE
11 PRISON FACILITY.

12 B. FOR THE PURPOSES OF THIS SECTION, "MINIMUM OCCUPANCY CLAUSE"
13 MEANS A CLAUSE THAT REQUIRES A PRISON TO MAINTAIN A SPECIFIC PERCENTAGE OF
14 OCCUPANCY AT THAT PRISON.

15 Sec. 2. Applicability

16 This act applies to contract renewals or new contracts with a
17 private prison operator from and after the effective date of this act.