

REFERENCE TITLE: prisoners; release credits

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

HB 4094

Introduced by
Representative Powell

AN ACT

AMENDING SECTIONS 13-4413, 31-229.02, 31-281 AND 41-1604.07, ARIZONA
REVISED STATUTES; RELATING TO PRISONERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-4413, Arizona Revised Statutes, is amended to
3 read:

4 13-4413. Notice of prisoner's status

5 A. If the victim has made a request for ~~post-conviction~~
6 POSTCONVICTION notice, the director of the state department of corrections
7 shall mail to the victim the following information about a prisoner in the
8 custody of the STATE department of corrections:

9 1. Within thirty days after the request, notice of the earliest
10 release date of the prisoner if ~~his~~ THE PRISONER'S sentence exceeds six
11 months.

12 2. At least fifteen days before the prisoner's release, notice of
13 the release.

14 3. Within fifteen days after the prisoner's death, notice of the
15 death.

16 4. WITHIN THIRTY DAYS AFTER THE PRISONER QUALIFIES FOR EARNED
17 RELEASE CREDITS PURSUANT TO SECTION 41-1604.07, SUBSECTION B, PARAGRAPH 2
18 OR 3, NOTICE OF THE EARLIEST RELEASE DATE OF THE PRISONER.

19 B. If the victim has made a request for ~~post-conviction~~
20 POSTCONVICTION notice, the sheriff having custody of the prisoner shall
21 mail to the victim notice of release at least fifteen days before the
22 prisoner's release or notice of death within fifteen days after the
23 prisoner's death.

24 Sec. 2. Section 31-229.02, Arizona Revised Statutes, is amended to
25 read:

26 31-229.02. Functionally literate inmates; release eligibility

27 A. ~~Except as provided in section 41-1604.07, subsection F, if an ON~~
28 ~~ADMISSION TO THE DEPARTMENT, THE DIRECTOR SHALL MAKE LITERACY PROGRAMMING~~
29 ~~AND A STANDARDIZED ASSESSMENT EXAMINATION AVAILABLE TO EACH inmate fails~~
30 ~~to achieve WHO HAS NOT DEMONSTRATED functional literacy at an eighth grade~~
31 ~~literacy level before the inmate becomes eligible for release pursuant to~~
32 ~~section 41-1604.07, the inmate is not eligible to begin the inmate's term~~
33 ~~of community supervision until either the inmate achieves an eighth grade~~
34 ~~functional literacy level as measured by standardized assessment testing~~
35 ~~or the inmate serves the full term of imprisonment imposed by the court,~~
36 ~~whichever first occurs.~~ THE DIRECTOR SHALL MAKE THE DETERMINATION OF
37 ELIGIBILITY AND PROVIDE THE STANDARDIZED ASSESSMENT TESTING FOR EACH
38 INMATE BEFORE THE EARLIEST DATE THAT THE INMATE BECOMES ELIGIBLE FOR
39 RELEASE.

40 B. This section does not apply to inmates who are any of the
41 following:

42 1. Unable to ~~meet the~~ DEMONSTRATE functional literacy ~~standard~~ AT
43 AN EIGHTH GRADE LITERACY LEVEL AS required by subsection A of this
44 section, due to a medical, developmental or learning disability as
45 described in section 31-229, subsection C.

1 2. Classified as level five offenders.
2 3. Foreign nationals.
3 4. Inmates who have less than six months incarceration to serve on
4 commitment to the department.

5 ~~5. Released pursuant to section 41-1604.07, subsection B,~~
6 ~~paragraph 1.~~

7 Sec. 3. Section 31-281, Arizona Revised Statutes, is amended to
8 read:

9 31-281. Transition program; report; definition

10 A. The department shall establish a transition program that
11 provides eligible inmates with transition services in the community for up
12 to ninety days. The department shall administer the transition program
13 and contract with private or nonprofit entities to provide eligible
14 inmates with transition services and shall procure transition services
15 pursuant to title 41, chapter 23.

16 B. The director shall adopt rules to implement this article. The
17 rules shall include:

18 1. Eligibility criteria for receiving a contracted entity's
19 transition services. To be eligible, at a minimum, an inmate shall:

20 (a) Not have been convicted of a sexual offense pursuant to title
21 13, chapter 14 or a violation of title 13, chapter 17.

22 (b) Not have been convicted of a violent crime as defined in
23 section 13-901.03, unless the inmate was convicted of assault, aggravated
24 assault or robbery.

25 (c) Not have any felony detainers.

26 (d) Agree in writing to provide specific information after the
27 inmate is released. The department shall use the information to prepare
28 the report prescribed by subsection D, paragraph 3 of this section.

29 (e) Have made satisfactory progress by complying with all
30 programming on the inmate's individualized corrections plan as determined
31 by the department.

32 (f) Be classified by the department as minimum or medium custody as
33 determined by an objective risk assessment.

34 (g) Not have been found in violation of any major violent rule
35 during the inmate's current period of incarceration or in violation of any
36 other major rule within the previous six months. For the purposes of this
37 subdivision, an accumulation of minor rule violations does not equal a
38 major rule violation.

39 2. A requirement that each contracted entity train mentors or
40 certify that mentors are trained.

41 3. A requirement that the services offered to an inmate include
42 psychoeducational counseling and case management services as determined by
43 the department. The counseling and services may include substance abuse
44 treatment, anger management, cognitive behavioral therapy, parenting

1 skills and family reunification training, further education and job
2 placement.

3 4. A requirement that an inmate may be released pursuant to this
4 article only after the victim has been provided notice and an opportunity
5 to be heard. The department shall provide notice to a victim who has
6 provided a current address or other contact information. The notice shall
7 inform the victim of the opportunity to be heard on the early release.
8 Any objection to the inmate's early release must be made within twenty
9 days after the department has mailed the notice to the victim.

10 C. In awarding contracts under this section the department shall
11 comply with section 41-3751.

12 D. The department shall:

13 1. Conduct an annual study to determine the recidivism rate of
14 inmates who receive a contracted entity's services pursuant to this
15 article. The study shall include the recidivism rate of inmates who have
16 been released from incarceration for a minimum of three years after
17 release.

18 2. Evaluate the inmate and provide the information to the
19 contracted entity.

20 3. Submit a written report to the governor, the president of the
21 senate and the speaker of the house of representatives on or before
22 July 31 of each year and provide a copy of this report to the secretary of
23 state. The report may be submitted electronically. The report shall
24 contain the following information:

25 (a) The recidivism rate of inmates who receive services pursuant to
26 this article, including the recidivism rate of inmates who have been
27 released from incarceration for a minimum of three years after release.

28 (b) The number of inmates who received services pursuant to this
29 article.

30 (c) The number of inmates who were not provided services pursuant
31 to this article and who were on a list waiting to receive services.

32 (d) The types of services provided.

33 (e) The number of inmates who received each type of service
34 provided.

35 4. Provide information about the transition program to all inmates
36 who are not serving a life sentence on admission to prison and to any
37 inmate who is potentially eligible for the transition program six months
38 before the inmate's eligibility date. The information must include all of
39 the admission requirements to the transition program, including the
40 disqualifying factors under this section.

41 ~~E. Notwithstanding subsection B, paragraph 1 of this section, if an~~
42 ~~inmate agrees to comply with any condition that is established and~~
43 ~~required by section 41-1604.07, subsection F, has been convicted of the~~
44 ~~possession or use of marijuana pursuant to section 13-3405, subsection A,~~
45 ~~paragraph 1, possession or use of a dangerous drug pursuant to section~~

~~13-3407, subsection A, paragraph 1, possession or use of a narcotic drug pursuant to section 13-3408, subsection A, paragraph 1 or possession or use of drug paraphernalia pursuant to section 13-3415, subsection A and is not concurrently serving another sentence for an offense that is not listed in this subsection, the inmate is eligible for and shall be released to enter the transition program. The director may not exclude an inmate who is eligible for the transition program pursuant to this subsection because the inmate does not have a place to reside before being released, except that the director shall exclude an inmate who has any of the following:~~

~~1. Previously been convicted of a violent crime as defined in section 13-901.03 or an offense listed in title 13, chapter 14 or 35.1.~~

~~2. A felony detainer.~~

~~3. Been found to be in violation of a major violent rule during the inmate's current period of incarceration or to be in violation of any other major rule within the previous six months. For the purposes of this paragraph, an accumulation of minor rule violations does not equal a major rule violation.~~

~~4. Previously been released pursuant to this section and violated a term of the inmate's release.~~

~~5. Failed to achieve functional literacy as required by section 41-1604.07, subsection F, unless the inmate is enrolled in a program that prepares the inmate to achieve functional literacy.~~

~~6. Been classified by the department as close or maximum custody as determined by a current and objective risk assessment.~~

~~7. Refused enrollment in or been removed for poor behavior from a major self-improvement program within the previous eighteen months unless the inmate has subsequently enrolled in and completed the major self-improvement program.~~

~~F.~~ E. For the purposes of this section, "recidivism" means reincarceration in the department for any reason.

Sec. 4. Section 41-1604.07, Arizona Revised Statutes, is amended to read:

41-1604.07. Earned release credits; recidivism reduction
release credits; forfeiture; restoration;
released prisoner health care; annual report

A. Pursuant to rules adopted by the director, each prisoner who is in the eligible earned release credit class shall be allowed an earned release credit as set forth in subsection B of this section, including time served in county jails, except for those prisoners who are sentenced to serve the full term of imprisonment imposed by the court.

B. The earned release credit is:

1. ONE DAY FOR EVERY SIX DAYS SERVED.

~~1.~~ 2. Three days for every seven days served if the prisoner:

1 (a) Was sentenced to a term of imprisonment for the possession or
 2 use of marijuana pursuant to section 13-3405, subsection A, paragraph 1,
 3 the possession or use of a dangerous drug pursuant to section 13-3407,
 4 subsection A, paragraph 1, the possession or use of a narcotic drug
 5 pursuant to section 13-3408, subsection A, paragraph 1 or the possession
 6 of drug paraphernalia pursuant to section 13-3415.

7 (b) Has successfully completed a drug treatment program or other
 8 major self-improvement program provided by the department during the
 9 prisoner's term of imprisonment.

10 (c) has not previously been convicted of a violent or aggravated
 11 felony as defined in section 13-706.

12 ~~2.~~ 3. One day for every six days served if the prisoner was
 13 sentenced to a term of imprisonment for an offense not listed in paragraph
 14 ~~1~~ 2 of this subsection.

15 C. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, A PREVIOUS
 16 CONVICTION FOR A VIOLENT OR AGGRAVATED FELONY AS DEFINED IN SECTION 13-706
 17 APPLIES ONLY TO A PRISONER WHO COMMITTED THE OFFENSE WHEN THE PRISONER WAS
 18 AT LEAST EIGHTEEN YEARS OF AGE.

19 ~~C.~~ D. Release credits earned by a prisoner pursuant to subsections
 20 A and B of this section shall not reduce the ~~term of imprisonment~~ SENTENCE
 21 imposed by the court on the prisoner.

22 ~~D.~~ E. On reclassification of a prisoner resulting from the
 23 prisoner's failure to adhere to the rules of the department or failure to
 24 demonstrate a continual willingness to volunteer for or successfully
 25 participate in a work, educational, treatment or training program, the
 26 director may declare all OR A PORTION OF THE release credits earned by the
 27 prisoner forfeited. In the discretion of the director, forfeited release
 28 credits may subsequently be restored. The director shall maintain an
 29 account of release credits earned by each prisoner.

30 F. A PRISONER WHOSE RELEASE CREDITS ARE FORFEITED MAY APPLY FOR
 31 RESTORATION OF THE RELEASE CREDITS IF THE PRISONER HAS AT LEAST THREE
 32 MONTHS AND NOT MORE THAN FIVE YEARS OF INCARCERATION REMAINING. A
 33 PRISONER MAY APPLY FOR RESTORATION OF THE RELEASE CREDITS SIX MONTHS AFTER
 34 THE DATE THAT THE PRISONER WAS FOUND GUILTY OF A DISCIPLINARY VIOLATION OR
 35 THE DATE THAT THE DIRECTOR DECLARED ALL OR A PORTION OF THE PRISONER'S
 36 EARNED RELEASE CREDITS FORFEITED, WHICHEVER IS EARLIER. A PRISONER WHO IS
 37 SERVING A CONSECUTIVE SENTENCE FOR MULTIPLE CONVICTIONS STEMMING FROM THE
 38 SAME CRIMINAL CASE MAY APPLY FOR RESTORATION OF THE RELEASE CREDITS EARNED
 39 FOR THE FIRST SENTENCE TO BE APPLIED TO THE PRISONER'S CURRENT SENTENCE
 40 SIX MONTHS AFTER THE DATE THAT THE PRISONER WAS FOUND GUILTY OF A
 41 DISCIPLINARY VIOLATION OR THE DATE THAT THE DIRECTOR DECLARED ALL OR A
 42 PORTION OF THE PRISONER'S EARNED RELEASE CREDITS FORFEITED, WHICHEVER IS
 43 EARLIER.

~~E.~~ G. A prisoner who has reached the prisoner's earned release date or sentence expiration date shall be released to begin the prisoner's term of community supervision imposed by the court or term of probation if the court waived community supervision pursuant to section 13-603, except that the director may deny or delay the prisoner's release to community supervision or probation if the director believes the prisoner may be a sexually violent person as defined in section 36-3701 until the screening process is complete and the director determines that the prisoner will not be referred to the county attorney pursuant to section 36-3702. If the term of community supervision is waived, the state department of corrections shall provide reasonable notice to the probation department of the scheduled release of the prisoner from confinement by the department. If the court waives community supervision, the director shall issue the prisoner an absolute discharge on the prisoner's earned release credit date. A prisoner who is released on the earned release credit date to serve a term of probation is not under the control of the state department of corrections when community supervision has been waived and the state department of corrections is not required to provide parole services.

~~F. Notwithstanding subsection E of this section, a prisoner who fails to achieve functional literacy at an eighth grade literacy level shall not be released to begin the prisoner's term of community supervision until either the prisoner achieves an eighth grade functional literacy level as measured by standardized assessment testing, the prisoner is released to enter the transition program established by section 31-281 and is enrolled in a program that prepares the prisoner to achieve functional literacy or the prisoner serves the full term of imprisonment imposed by the court, whichever first occurs. This subsection does not apply to inmates who either:~~

~~1. Are unable to meet the functional literacy standard required by section 31-229.02, subsection A due to a medical, developmental or learning disability as described in section 31-229, subsection C.~~

~~2. Are classified as level five offenders.~~

~~3. Are foreign nationals.~~

~~4. Have less than six months of incarceration to serve on commitment to the department.~~

~~5. Are released pursuant to subsection B, paragraph 1 of this section.~~

~~G.~~ H. The department shall establish conditions of community supervision it deems appropriate in order to ensure that the best interests of the prisoner and the citizens of this state are served. As a condition of community supervision, the director:

1. May order a released prisoner to participate in an appropriate drug treatment or education program that is administered by a qualified agency, organization or individual approved by the department of health services and that provides treatment or education to persons who abuse

1 controlled substances. **THE DIRECTOR MAY ORDER** each person who is enrolled
2 in a drug treatment or education program ~~shall~~ **TO** pay for the cost of
3 participation in the program to the extent of the person's financial
4 ability.

5 2. May order additional conditions, including participation in a
6 rehabilitation program or counseling, ~~and~~ performance of community
7 restitution work **AND, IF THE PRISONER HAS NOT DEMONSTRATED FUNCTIONAL**
8 **LITERACY AT AN EIGHTH GRADE LEVEL, PARTICIPATION IN A LITERACY PROGRAM.**

9 ~~3. Unless the prisoner is released pursuant to subsection B,~~
10 ~~paragraph 1 of this section, May order a prisoner to apply for health care~~
11 ~~benefits through the Arizona health care cost containment system before~~
12 ~~being released. The state department of corrections shall enter into an~~
13 ~~enrollment suspense agreement with the Arizona health care cost~~
14 ~~containment system to reinstate benefits for prisoners who were sentenced~~
15 ~~to twelve months or less and who were previously enrolled in the Arizona~~
16 ~~health care cost containment system immediately before incarceration. For~~
17 ~~all other prisoners, the state department of corrections shall submit a~~
18 ~~prerelease application to the Arizona health care cost containment system~~
19 ~~at least thirty days before the prisoner's release date. The state~~
20 ~~department of corrections may coordinate with community-based~~
21 ~~organizations or the department of economic security to assist prisoners~~
22 ~~in applying for enrollment in the Arizona health care cost containment~~
23 ~~system.~~

24 ~~4. Shall impose, if the prisoner was convicted of a violation of~~
25 ~~sexual conduct with a minor under fifteen years of age or molestation of a~~
26 ~~child under fifteen years of age, a prohibition on residing within four~~
27 ~~hundred forty feet of a school or its accompanying grounds. For the~~
28 ~~purposes of this paragraph, "school" means any public, charter or private~~
29 ~~school where children attend classes.~~

30 ~~H. The director may exchange a prisoner's health care information~~
31 ~~with the regional behavioral health authority or Arizona health care cost~~
32 ~~containment system justice system contact to facilitate the transition to~~
33 ~~care for released prisoners to access the full array of behavioral and~~
34 ~~physical health care services, including medication, counseling, case~~
35 ~~management, substance abuse treatment, and parenting skills and family~~
36 ~~reunification training. The director shall adopt policies and procedures~~
37 ~~that establish a care team to convene and discuss the services and~~
38 ~~resources, including housing and employment supports, that may be needed~~
39 ~~for the released prisoner to safely transition into the community. The~~
40 ~~care team shall be managed by the regional behavioral health authority or~~
41 ~~Arizona health care cost containment system contractor and may include the~~
42 ~~health care provider that is identified by and has a contract with the~~
43 ~~regional behavioral health authority or Arizona health care cost~~
44 ~~containment system contractor. The care team may also include~~
45 ~~representatives of nonprofit organizations that specialize in assisting~~

~~prisoners who are transitioning back into the community and other organizations that link prisoners to additional services, including housing and employment.~~

I. If a prisoner who reaches the prisoner's earned release credit date refuses to sign and agree to abide by the conditions of supervision before release on community supervision, the prisoner shall not be released. When the prisoner reaches the sentence expiration date, the prisoner shall be released to begin the term of community supervision. If the prisoner refuses to sign and agree to abide by the conditions of release, the prisoner shall not be released on the sentence expiration date and shall serve the term of community supervision in prison. The department is required to supervise any prisoner on community supervision until the period of community supervision expires. The department may bring a prisoner who is in violation of the prisoner's terms and conditions before the board of executive clemency.

J. The director, pursuant to rules adopted by the department, shall authorize the release of any prisoner on the prisoner's earned release credit date to serve any consecutive term imposed on the prisoner. The release shall be for the sentence completed only. The prisoner shall remain under the custody and control of the department. The director may authorize the rescission of the release to any consecutive term if the prisoner fails to adhere to the rules of the department.

K. If a prisoner absconds from community supervision, any time spent before the prisoner is returned to custody is excluded in calculating the remaining period of community supervision.

L. A prisoner shall forfeit five days of the prisoner's earned release credits:

1. If the court finds or a disciplinary hearing held after a review by and recommendations from the attorney general's office determines that the prisoner does any of the following:

- (a) Brings a claim **KNOWING IT IS** without substantial justification.
- (b) Unreasonably expands or delays a proceeding.
- (c) Testifies falsely or otherwise presents false information or material to the court.
- (d) Submits a claim that is intended solely to harass the party it is filed against.

2. For each time the prisoner tests positive for any prohibited drugs during the period of time the prisoner is incarcerated.

~~M. If the prisoner does not have five days of earned release credits, the prisoner shall forfeit the prisoner's existing earned release credits and shall be ineligible from accruing earned release credits until the number of earned release credits the prisoner would have otherwise accrued equals the difference between five days and the number of existing earned release credit days the prisoner forfeits pursuant to this section.~~

~~M.~~ M. The director may authorize temporary release on inmate status of eligible inmates Pursuant to rules adopted by the director within ninety days of any other authorized release date. The release authorization applies to any inmate who has been convicted of a drug offense, who has been determined to be eligible for participation in the transition program pursuant to section 31-281 and who has agreed to participate in the transition program.

~~O.~~ N. On admission, the department shall provide notice to any prisoner who is potentially eligible for earned release credit pursuant to subsection B, ~~paragraph 1~~ of this section. The notice must include all of the eligibility requirements under this section.

~~P.~~ O. The department shall do all of the following:

1. Annually report The recidivism rate of prisoners WHO ARE released pursuant to subsection B, paragraph 1 of this section for a minimum of three years after release.

2. Report the following information at the end of each fiscal quarter:

(a) The number of prisoners BY INSTITUTION who received earned release credits PURSUANT TO SUBSECTION B OF THIS SECTION for each month of the reporting period and the percentage of the total prison population that received earned release credits.

(b) The number of prisoners who were eligible for earned release credit pursuant to subsection B, ~~paragraph 1~~ of this section and for each of these prisoners, the following information:

(i) The most serious crime for which each prisoner is receiving earned release ~~credit~~ CREDITS.

(ii) The mean and median length of the prison sentences.

(iii) Whether the prisoner received earned release credits each month of the reporting period.

(c) The number of prisoners who participated in a program that is described in subsection B, ~~paragraph 1, subdivision (b)~~ of this section in each month of the reporting period, including the percentage of the total prison population that has participated in those programs.

(d) The number of prisoners who are eligible for release into the transition program established pursuant to section 31-281 in each month of the reporting period and the percentage of the total prison population that is eligible for release into the transition program. For eligible prisoners, the report shall include the following information:

(i) The most serious crime for which each prisoner is serving a sentence.

(ii) The mean and median length of the prison sentences.

(iii) The mean and median length of time served by the prisoners.

(e) The number of prisoners who are enrolled in the transition program in each month of the reporting period, including the percentage of the total prison population that is enrolled in the transition program.

~~For enrolled prisoners, the report shall include the following information:~~

~~(i) The most serious crime for which each prisoner is serving a sentence.~~

~~(ii) The mean and median length of the prison sentences.~~

~~(iii) The mean and median length of time served by the prisoners.~~

~~(f) The number of prisoners who are released into the transition program in each month of the reporting period, including the percentage of the total prison population that is released into the transition program. For released prisoners, the report shall include the following information:~~

~~(i) The most serious crime for which each prisoner is serving a sentence.~~

~~(ii) The mean and median length of the prison sentences.~~

~~(iii) The mean and median length of time that the prisoners served.~~

~~(g) The six-month success, return to custody and new conviction rates for prisoners who are released to a transition program.~~

~~(h) The one-year success, return to custody and new conviction rates for prisoners who are released to a transition program.~~

~~(i) The two-year success, return to custody and new conviction rates for prisoners who are released to a transition program.~~

~~(j) The three-year success, return to custody and new conviction rates for prisoners who are released to a transition program.~~

~~(k) The number of prisoners who received treatment for substance abuse during the first half of the prisoner's total sentence and the percentage of the total prison population that received treatment for substance abuse during the first half of the prisoners' total sentence. For prisoners who received treatment for substance abuse according to this subdivision, report shall include the following information:~~

~~(i) The most serious crime committed by each prisoner.~~

~~(ii) The mean and median length of the prison sentences.~~

~~(iii) Whether the prisoners received treatment for substance abuse each month of the reporting period.~~

Sec. 5. Applicability

A. This act applies to prisoners who are serving a term of imprisonment in the state department of corrections for an offense that is included in title 13, chapter 34, Arizona Revised Statutes, on or after the effective date of this act.

B. Section 41-1604.07, subsection B, paragraph 3, Arizona Revised Statutes, as amended by this act, applies only to a person who is

1 convicted on or after the effective date of this act for an offense that
2 is not included in title 13, chapter 34, Arizona Revised Statutes.

3 C. On the effective date of this act, a prisoner who is serving a
4 term of imprisonment for an offense included in title 13, chapter 34,
5 Arizona Revised Statutes, and who met the eligibility requirements of
6 section 41-1604.07, subsection B, Arizona Revised Statutes, as amended by
7 this act, before the effective date of this act shall begin earning earned
8 release credits.

9 Sec. 6. Effective date

10 This act is effective from and after December 31, 2026.