

REFERENCE TITLE: inmates; medical institution; release

State of Arizona  
Senate  
Fifty-seventh Legislature  
Second Regular Session  
2026

## **SB 1295**

Introduced by  
Senators Fernandez: Angius, Dunn, Kavanagh, Payne

AN ACT

AMENDING TITLE 31, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 31-243; 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. Title 31, chapter 2, article 2, Arizona Revised  
3 Statutes, is amended by adding section 31-243, to read:

4 31-243. Inmate medical release to medical institution;  
5 eligibility; definitions

6 A. NOTWITHSTANDING ANY OTHER LAW, THE DIRECTOR MAY RELEASE AN  
7 INMATE FROM CUSTODY FOR PLACEMENT IN A MEDICAL INSTITUTION THAT IS UNDER  
8 CONTRACT WITH THIS STATE TO EXCLUSIVELY PROVIDE MEDICAL CARE TO AN INMATE  
9 WHO IS RELEASED BY THE DEPARTMENT IF THE INMATE AND THE DIRECTOR RECEIVE  
10 WRITTEN CONFIRMATION FROM THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM  
11 ADMINISTRATION THAT THE INMATE QUALIFIES AS AN ELIGIBLE PERSON FOR  
12 ENROLLMENT IN THE ARIZONA LONG-TERM CARE SYSTEM PURSUANT TO TITLE 36,  
13 CHAPTER 29, ARTICLE 2.

14 B. THE MEDICAL INSTITUTION THAT IS CONTRACTED TO CARE FOR INMATES  
15 PURSUANT TO THIS SECTION SHALL ALLOW INMATES WITHIN THE MEDICAL  
16 INSTITUTION'S CARE TO HAVE FREEDOM OF MOVEMENT AND ASSOCIATION WITHIN THE  
17 MEDICAL INSTITUTION AND TO USE THE MEDICAL INSTITUTION'S INTERNAL  
18 COMMUNITY RESOURCES. THE MEDICAL INSTITUTION MAY NOT PLACE MOVEMENT OR  
19 ASSOCIATION LIMITS ON AN INMATE WITHIN THE MEDICAL INSTITUTION BASED ON  
20 THE INMATE'S STATUS AS AN INMATE UNLESS THE MEDICAL INSTITUTION FINDS THAT  
21 INCREASED SUPERVISION OR CARE IS NEEDED DUE TO THE INMATE'S MEDICAL  
22 CONDITION OR AGE.

23 C. THE DIRECTOR OF THE STATE DEPARTMENT OF CORRECTIONS MAY WORK  
24 WITH ONE OR MORE DESIGNEES WHO ARE EMPLOYED BY THE STATE DEPARTMENT OF  
25 CORRECTIONS TO FACILITATE THE RELEASE OF AN INMATE TO A MEDICAL  
26 INSTITUTION. THE DIRECTOR SHALL BASE THE DECISION TO RELEASE AN INMATE ON  
27 AN ASSESSMENT OF THE INMATE'S FINANCIAL AND MEDICAL ELIGIBILITY FOR THE  
28 ARIZONA LONG-TERM CARE SYSTEM THAT IS MADE BY THE DIRECTOR OF THE ARIZONA  
29 HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION OR THE DIRECTOR'S  
30 DESIGNEE.

31 D. THE DIRECTOR OF THE STATE DEPARTMENT OF CORRECTIONS OR THE  
32 DIRECTOR'S DESIGNEE SHALL ESTABLISH A PROCESS FOR AN INMATE OR AN  
33 INTERESTED PARTY TO SUBMIT A REQUEST TO DETERMINE THE INMATE'S PRELIMINARY  
34 BASELINE ELIGIBILITY FOR RELEASE TO A MEDICAL INSTITUTION. THE BASELINE  
35 ELIGIBILITY DETERMINATION IS SEPARATE FROM THE ELIGIBILITY DETERMINATION  
36 FOR THE ARIZONA LONG-TERM CARE SYSTEM AND IS MEANT TO ESTABLISH ONLY THE  
37 INMATE'S PRELIMINARY BASELINE ELIGIBILITY FOR RELEASE TO A MEDICAL  
38 INSTITUTION.

39 E. WITHIN THIRTY DAYS AFTER RECEIVING A REQUEST FOR RELEASE  
40 PURSUANT TO SUBSECTION D OF THIS SECTION, THE DIRECTOR OR THE DIRECTOR'S  
41 DESIGNEE SHALL NOTIFY THE INMATE OR INTERESTED PARTY WHO MAKES THE REQUEST  
42 IF THE INMATE MEETS THE PRELIMINARY BASELINE ELIGIBILITY REQUIREMENTS FOR  
43 THE ARIZONA LONG-TERM CARE SYSTEM. A DETERMINATION THAT AN INMATE MEETS  
44 THE PRELIMINARY BASELINE ELIGIBILITY REQUIREMENTS IS NOT AN ASSURANCE THAT  
45 THE INMATE WILL QUALIFY FOR THE ARIZONA LONG-TERM CARE SYSTEM. ONCE AN

1 INMATE'S PRELIMINARY BASELINE ELIGIBILITY IS DETERMINED, THE INMATE SHALL  
2 COORDINATE WITH THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM  
3 ADMINISTRATION FOR FURTHER EVALUATION TO DETERMINE THE INMATE'S  
4 ELIGIBILITY FOR THE ARIZONA LONG-TERM CARE SYSTEM.

5 F. AN INMATE WHO APPLIES FOR RELEASE TO THE ARIZONA LONG-TERM CARE  
6 SYSTEM MAY NOT RECEIVE COVERED SERVICES UNTIL THE INMATE IS RELEASED TO A  
7 MEDICAL INSTITUTION.

8 G. WITHIN FIFTEEN DAYS AFTER THE DEPARTMENT RECEIVES A WRITTEN  
9 DETERMINATION FROM THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM  
10 ADMINISTRATION THAT THE INMATE IS ELIGIBLE AND QUALIFIES FOR ENROLLMENT AS  
11 AN ELIGIBLE PERSON FOR THE ARIZONA LONG-TERM CARE SYSTEM, THE DIRECTOR  
12 SHALL INFORM THE INMATE OF THE INMATE'S ELIGIBILITY FOR RELEASE TO A  
13 MEDICAL INSTITUTION.

14 H. AFTER AN INMATE IS DETERMINED TO BE ELIGIBLE FOR MEDICAL RELEASE  
15 TO A MEDICAL INSTITUTION PURSUANT TO THIS SECTION, THE DEPARTMENT, ON  
16 REQUEST OF THE VICTIM OF THE OFFENSE FOR WHICH THE INMATE WAS  
17 INCARCERATED, SHALL NOTIFY THE VICTIM. THE NOTICE MUST INCLUDE THE DATE  
18 OF THE INMATE'S RELEASE AND THE ADDRESS OF THE MEDICAL INSTITUTION WHERE  
19 THE INMATE WILL BE RESIDING.

20 I. IF THE INMATE NO LONGER MEETS THE ELIGIBILITY REQUIREMENTS FOR  
21 ENROLLMENT IN THE ARIZONA LONG-TERM CARE SYSTEM, THE INMATE SHALL BE  
22 RETURNED TO THE CUSTODY OF THE DEPARTMENT.

23 J. FOR THE PURPOSES OF THIS SECTION:

24 1. "BASELINE ELIGIBILITY" MEANS A DETERMINATION THAT THE INMATE  
25 MEETS THE FOLLOWING REQUIREMENTS:

26 (a) IS AT LEAST SIXTY-FIVE YEARS OF AGE, BLIND OR HAS A DISABILITY.

27 (b) IS A UNITED STATES CITIZEN OR A QUALIFIED IMMIGRANT.

28 (c) HAS A SOCIAL SECURITY NUMBER OR IS ELIGIBLE TO APPLY FOR A  
29 SOCIAL SECURITY NUMBER.

30 (d) IS A RESIDENT OF THIS STATE.

31 2. "DISABILITY":

32 (a) MEANS A MEDICALLY DETERMINABLE PHYSICAL OR MENTAL IMPAIRMENT  
33 THAT MEETS ALL OF THE FOLLOWING:

34 (i) RESULTS IN THE INMATE'S INABILITY TO DO ANY SUBSTANTIAL GAINFUL  
35 ACTIVITY.

36 (ii) CAN BE EXPECTED TO RESULT IN DEATH.

37 (iii) HAS LASTED FOR OR CAN BE EXPECTED TO LAST FOR A CONTINUOUS  
38 PERIOD OF AT LEAST TWELVE MONTHS.

39 (b) INCLUDES EMOTIONAL OR LEARNING IMPAIRMENTS.

40 3. "ELIGIBLE PERSON" HAS THE SAME MEANING PRESCRIBED IN SECTION  
41 36-2931.

42 4. "MEDICAL INSTITUTION" MEANS AN ASSISTED LIVING FACILITY OR  
43 HEALTH CARE INSTITUTION AS DEFINED IN SECTION 36-401 THAT HAS CONTRACTED  
44 WITH THIS STATE TO PROVIDE CARE.