

REFERENCE TITLE: criminal justice; 2026-2027.

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

SB 1851

Introduced by
Senator Farnsworth (with permission of Committee on Rules)

AN ACT

AMENDING SECTIONS 31-281, 31-284, 31-285 AND 41-710.03, ARIZONA REVISED STATUTES; REPEALING SECTION 41-1401, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 9, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 41-1401; AMENDING SECTION 41-1641, ARIZONA REVISED STATUTES; REPEALING SECTION 41-3026.11, ARIZONA REVISED STATUTES; AMENDING LAWS 2022, CHAPTER 311, SECTION 10, AS AMENDED BY LAWS 2024, CHAPTER 213, SECTION 7; RELATING TO CRIMINAL JUSTICE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 31-281, Arizona Revised Statutes, is amended to
3 read:

4 31-281. Transition program; report; definition

5 A. The department shall establish a transition program that
6 provides eligible inmates with transition services in the community for ~~up~~
7 ~~to~~ NOT MORE THAN ninety days. The department shall administer the
8 transition program and contract with private or nonprofit entities to
9 provide eligible inmates with transition services and shall procure
10 transition services pursuant to title 41, chapter 23.

11 B. The director shall adopt rules to implement this article. The
12 rules shall include:

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

15 (a) Not have been convicted of a sexual offense pursuant to title
16 13, chapter 14 or a violation of title 13, chapter 17.

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

20 (c) Not have any felony detainers.

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

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

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

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

34 2. A requirement that each contracted entity train mentors or
35 certify that mentors are trained.

36 3. A requirement that the services offered to an inmate include
37 psychoeducational counseling and case management services as determined by
38 the department. The counseling and services may include substance abuse
39 treatment, anger management, cognitive behavioral therapy, parenting
40 skills and family reunification training, further education and job
41 placement.

42 4. A requirement that an inmate may be released pursuant to this
43 article only after the victim has been provided notice and an opportunity
44 to be heard. The department shall provide notice to a victim who has
45 provided a current address or other contact information. The notice shall

1 inform the victim of the opportunity to be heard on the early release.
2 Any objection to the inmate's early release must be made within twenty
3 days after the department has mailed the notice to the victim.

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

6 D. The department shall:

7 1. Conduct an annual study to determine the recidivism rate of
8 inmates who receive a contracted entity's services pursuant to this
9 article. The study shall include the recidivism rate of inmates who have
10 been released from incarceration for a minimum of three years after
11 release.

12 2. Evaluate the inmate and provide the information to the
13 contracted entity.

14 3. Submit a written report to the governor, the president of the
15 senate and the speaker of the house of representatives on or before
16 ~~July 31~~ NOVEMBER 30 of each year and provide a copy of this report to the
17 secretary of state AND THE DIRECTOR OF THE JOINT LEGISLATIVE BUDGET
18 COMMITTEE. The report may be submitted electronically. The report shall
19 contain the following information:

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

23 (b) The number of inmates who received services pursuant to this
24 article.

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

27 (d) The types of services provided.

28 (e) The number of inmates who received each type of service
29 provided.

30 (f) THE COST REDUCTIONS TO THE DEPARTMENT THAT ARE DIRECTED TO THE
31 TRANSITION PROGRAM PURSUANT TO THIS ARTICLE. FOR THE PURPOSES OF THIS
32 PARAGRAPH, THE REDUCTION RATE MAY NOT BE LESS THAN \$17 PER INMATE PER DAY.

33 (g) THE NUMBER OF PARTICIPANTS WHO DID NOT RECEIVE AN EARLY RELEASE
34 UNDER THE TRANSITION PROGRAM.

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

Sec. 2. Section 31-284, Arizona Revised Statutes, is amended to read:

31-284. Transition program fund

The transition program fund is established consisting of ~~the~~ monies collected pursuant to section 31-254, subsection D, paragraph 3 and subsection E, paragraph 3 and section 31-285, ~~subsection C~~. The department shall administer the fund to pay for any costs related to the administration of the transition program and for transition program services. Monies in the fund are subject to legislative appropriation and are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

1 Sec. 3. Section 31-285, Arizona Revised Statutes, is amended to
2 read:

3 31-285. Transition program release; report

4 A. An inmate who enters a transition program pursuant to this
5 article shall be released from confinement three months earlier than the
6 inmate's earliest release date based on the inmate's risk and need and
7 rules adopted pursuant to section 31-281. An inmate who the director
8 determines has participated in the program but who is not low risk shall
9 not be released from confinement earlier than the inmate's earliest
10 release date.

11 ~~B. On or before September 30 of each year, the department shall~~
12 ~~prepare a report that details the cost reductions to the department that~~
13 ~~are directed to the transition program pursuant to this article and the~~
14 ~~number of participants who did not receive an early release under the~~
15 ~~transition program. The reduction rate shall equal at least seventeen~~
16 ~~dollars per inmate per day. The department shall submit a copy of its~~
17 ~~report to the governor, the president of the senate and the speaker of the~~
18 ~~house of representatives and shall provide a copy of this report to the~~
19 ~~director of the joint legislative budget committee and the secretary of~~
20 ~~state.~~

21 ~~C.~~ B. The state treasurer shall deposit any cost reductions that
22 are identified pursuant to ~~subsection B of this~~ section 31-281, SUBSECTION
23 D, PARAGRAPH 3, SUBDIVISION (f) in the transition program fund established
24 by section 31-284 for the purpose of providing transitional services.

25 Sec. 4. Section 41-710.03, Arizona Revised Statutes, is amended to
26 read:

27 41-710.03. Erroneous convictions fund

28 A. The erroneous convictions fund is established consisting of
29 monies appropriated to the fund by the legislature. The department of
30 administration shall administer the fund. Monies in the fund are
31 continuously appropriated and are exempt from the provisions of section
32 35-190 relating to lapsing of appropriations.

33 B. The department of administration shall use the monies deposited
34 in the erroneous convictions fund to fund claims brought pursuant to title
35 13, chapter 38, article 36.

36 C. ANY STATE AGENCY, BOARD, COMMISSION OR DEPARTMENT MAY NOT USE
37 MONIES FROM ANY FUND OR SOURCE OTHER THAN THE ERRONEOUS CONVICTIONS FUND
38 TO PAY ANY REIMBURSEMENT OR COMPENSATION THAT IS AWARDED PURSUANT TO TITLE
39 13, CHAPTER 38, ARTICLE 36. THIS STATE IS NOT LIABLE FOR ANY AMOUNT TO
40 PAY ANY REIMBURSEMENT OR COMPENSATION AWARDED PURSUANT TO TITLE 13,
41 CHAPTER 38, ARTICLE 36 IN EXCESS OF THE MONIES AVAILABLE IN THE ERRONEOUS
42 CONVICTIONS FUND.

1 Sec. 5. Heading change

2 The article heading of title 41, chapter 9, article 1, Arizona
3 Revised Statutes, is changed from "CIVIL RIGHTS DIVISION AND CIVIL RIGHTS
4 ADVISORY BOARD" to "CIVIL RIGHTS DIVISION".

5 Sec. 6. Repeal

6 Section 41-1401, Arizona Revised Statutes, is repealed.

7 Sec. 7. Title 41, chapter 9, article 1, Arizona Revised Statutes,
8 is amended by adding a new section 41-1401, to read:

9 41-1401. Civil rights division; definition

10 A. THE CIVIL RIGHTS DIVISION WITHIN THE DEPARTMENT OF LAW IS
11 ESTABLISHED.

12 B. FOR THE PURPOSES OF THIS CHAPTER, "DIVISION" MEANS THE CIVIL
13 RIGHTS DIVISION WITHIN THE DEPARTMENT OF LAW.

14 Sec. 8. Section 41-1641, Arizona Revised Statutes, is amended to
15 read:

16 41-1641. Corrections fund; uses; prior approval; exemption;
17 transfer

18 A. The corrections fund is established and consists of monies
19 received from the distribution provided pursuant to section 42-3104. The
20 state department of corrections shall administer the fund. Monies in the
21 fund are subject to legislative appropriation.

22 B. Monies in the corrections fund may be expended by:

23 1. The director of the department of administration for major
24 maintenance, construction, lease, purchase, renovation or conversion of
25 corrections or state operated juvenile facilities subject to the prior
26 approval of the joint committee on capital review and the legislature.

27 2. The director of the state department of corrections for costs
28 incurred in the minor maintenance and the operations of corrections
29 facilities subject to the prior approval of the legislature.

30 3. The director of the department of juvenile corrections for costs
31 incurred in the minor maintenance and the operations of state operated
32 juvenile facilities subject to the prior approval of the legislature.

33 C. Notwithstanding any law to the contrary and except as provided
34 in subsection B of this section:

35 1. The director of the state department of corrections shall enter
36 into an agreement with the director of the department of administration
37 for the expenditure of monies for the maintenance of corrections
38 facilities.

39 2. The director of the department of juvenile corrections shall
40 enter into an agreement with the director of the department of
41 administration for the expenditure of monies for the maintenance of state
42 operated juvenile facilities.

43 D. Monies in the fund are exempt from the provisions of section
44 35-190 relating to lapsing of appropriations.

1 E. The director of the state department of corrections shall
2 transfer ~~two million five hundred thousand dollars~~ \$12,500,000 from the
3 corrections fund annually to the department of corrections building
4 renewal fund established by section 41-797.

5 Sec. 9. Repeal

6 Section 41-3026.11, Arizona Revised Statutes, is repealed.

7 Sec. 10. Laws 2022, chapter 311, section 10, as amended by Laws
8 2024, chapter 213, section 7, is amended to read:

9 Sec. 10. Effective date

10 Section 41-1712, Arizona Revised Statutes, as amended by Laws 2022,
11 chapter 311, section 3, and title 41, chapter 12, article 4.1, Arizona
12 Revised Statutes, as added by Laws 2022, chapter 311, section 5, are
13 effective from and after June 30, ~~2027~~ 2028.

14 Sec. 11. Retroactivity

15 Section 41-710.03, Arizona Revised Statutes, as amended by this act,
16 applies retroactively to from and after December 31, 2025.