

State of Arizona
House of Representatives
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 302

HOUSE BILL 2284

AN ACT

AMENDING SECTIONS 41-2752, 41-2822 AND 41-2825, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 26, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 41-2822.01 AND 41-2826; RELATING TO THE DEPARTMENT OF JUVENILE CORRECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



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

2 Section 1. Section 41-2752, Arizona Revised Statutes, is amended to
3 read:

4 41-2752. State competition with private enterprise prohibited;
5 exceptions

6 A. A state agency shall not engage in the manufacturing, processing,
7 sale, offering for sale, rental, leasing, delivery, dispensing, distributing
8 or advertising of goods or services to the public which are also offered by
9 private enterprise unless specifically authorized by law other than
10 administrative law and executive orders.

11 B. A state agency shall not offer or provide goods or services to the
12 public for or through another state agency or a local agency, including by
13 intergovernmental or interagency agreement, in violation of this section or
14 section 41-2753.

15 C. ~~Except as otherwise provided in section 41-2754, subsection I,~~ The
16 restrictions on activities which compete with private enterprise contained
17 in this section do not apply to:

18 1. The development, operation and management of state parks,
19 historical monuments and hiking or equestrian trails.

20 2. Correctional industries established and operated by the state
21 department of corrections providing the prices charged for products sold by
22 the correctional industries are not less than the actual cost of producing
23 and marketing the product plus a reasonable allowance for overhead and
24 administrative costs.

25 3. The Arizona office of tourism.

26 4. The Arizona highways magazine, operated by the department of
27 transportation.

28 5. Printing and distributing information to the public if the agency
29 is otherwise authorized to do so, and printing or copying public records or
30 other material relating to the public agency's public business and recovering
31 through fees and charges the costs of such printing, copying and
32 distribution.

33 6. The department of public safety.

34 7. The construction, maintenance and operation of state transportation
35 facilities.

36 8. The development, distribution, maintenance, support, licensing,
37 leasing or sale of computer software by the department of transportation.

38 9. Agreements executed by the Arizona health care cost containment
39 system administration with other states to design, develop, install and
40 operate information technology systems and related services or other
41 administrative services pursuant to section 36-2925.

42 10. CONTRACTS BETWEEN THE DEPARTMENT OF JUVENILE CORRECTIONS AND THIS
43 STATE, A POLITICAL SUBDIVISION OF THIS STATE OR A PRIVATE ENTITY IN ORDER TO
44 PROVIDE EMPLOYMENT OR VOCATIONAL EDUCATIONAL EXPERIENCE.

1 D. The restrictions on activities which compete with private
2 enterprise contained in subsection A of this section do not apply to
3 community colleges and universities under the jurisdiction of a state
4 governing board.

5 Sec. 2. Section 41-2822, Arizona Revised Statutes, is amended to read:
6 41-2822. Work requirement for committed youth

7 ~~A. Notwithstanding title 23, chapter 2, article 3, each youth under~~
8 ~~commitment to the department and confined in a secure care facility under the~~
9 ~~department's jurisdiction shall engage in not fewer than forty hours per week~~
10 ~~of work unless exempted under subsection D of this section, except that if~~
11 ~~the youth regularly attends and is making satisfactory progress in~~
12 ~~educational classes as prescribed in this section the youth shall be required~~
13 ~~to work not fewer than twenty hours per week with up to ten hours of homework~~
14 ~~per week counting toward this requirement.~~

15 ~~B. A committed youth who has not received a high school diploma, a~~
16 ~~high school certificate of equivalency or an exception from the director~~
17 ~~shall attend school full time and make satisfactory progress in educational~~
18 ~~classes.~~

19 ~~C. A. The director shall establish a committed youth work~~
20 ~~classification system PROGRAM FOR YOUTH IN SECURE CARE FACILITIES AND ON~~
21 ~~CONDITIONAL LIBERTY to ensure that:~~

22 1. ~~A~~ ALL committed youth receives IN A SECURE CARE FACILITY SHALL
23 RECEIVE work assignments commensurate and compatible with the condition and
24 limitations of the youth's physical and mental health.

25 2. COMMITTED YOUTH ON CONDITIONAL LIBERTY, AS A CONDITION OF LIBERTY,
26 MAY RECEIVE WORK ASSIGNMENTS. ALL WORK ASSIGNMENTS SHALL BE COMMENSURATE AND
27 COMPATIBLE WITH THE CONDITION AND LIMITATIONS OF THE YOUTH'S PHYSICAL AND
28 MENTAL HEALTH.

29 ~~3. No committed youth participates IN A SECURE FACILITY OR ON~~
30 ~~CONDITIONAL LIBERTY SHALL PARTICIPATE in a work assignment that threatens the~~
31 ~~safety and security of the public, the A secure care facility or the~~
32 ~~committed youth.~~

33 ~~D. B. Each committed youth who is placed by the department in a~~
34 ~~secure care facility shall be classified pursuant to the committed youth work~~
35 ~~classification system established by the director. A committed youth may be~~
36 ~~exempted from the work requirement if the staff of the secure care facility~~
37 ~~determines that the exemption is necessary for the health, safety or~~
38 ~~treatment of the youth. The director or the director's authorized designee~~
39 ~~shall review and approve each classification that results in exempting~~
40 ~~EXEMPTION OF a committed youth from engaging in the work requirements of~~
41 ~~subsection A of this section.~~

42 G. NOTWITHSTANDING TITLE 23, CHAPTER 2, ARTICLE 3 RELATING TO YOUTH
43 EMPLOYMENT, EACH YOUTH WHO IS UNDER COMMITMENT TO THE DEPARTMENT, WHO IS
44 CONFINED IN A SECURE CARE FACILITY UNDER THE DEPARTMENT'S JURISDICTION AND
45 WHO IS NOT REGULARLY ATTENDING AND MAKING SATISFACTORY PROGRESS IN

1 EDUCATIONAL CLASSES SHALL ENGAGE IN WORK FOR AT LEAST FORTY HOURS A WEEK
2 UNLESS EXEMPTED PURSUANT TO SUBSECTION B OF THIS SECTION.

3 ~~E. D. Each committed youth who is engaged in productive work while
4 confined in a secure care facility under the jurisdiction of the department
5 shall MAY receive such compensation for the youth's work as the director
6 shall determine. The compensation shall be in accordance with a graduated
7 schedule based on quality and quantity of work performed and skill required
8 for its performance. , but the compensation shall not exceed one dollar per
9 hour unless the director enters into a contract with a private person, firm,
10 corporation or association, in which case the compensation shall be as
11 prescribed by the person, firm, corporation or association.~~

12 ~~F. E. The compensation of committed youth shall be paid DIRECTLY BY
13 AN OUTSIDE ENTITY OR out of monies received pursuant to section 8-243 or
14 monies appropriated by the legislature.~~

15 ~~G. F. A MINIMUM OF two-thirds of any compensation earned pursuant to
16 this section by a committed youth IN A SECURE CARE FACILITY shall be paid to
17 the clerk of the superior court to satisfy any juvenile court restitution
18 order made pursuant to section 8-344. WHILE A YOUTH IS ON CONDITIONAL
19 LIBERTY THE DEPARTMENT SHALL DETERMINE THE AMOUNT OF WAGES TO BE CREDITED TO
20 RESTITUTION.~~

21 ~~G. IF A COMMITTED YOUTH IN A SECURE CARE FACILITY IS NOT SUBJECT TO
22 A RESTITUTION ORDER BUT IS SUBJECT TO A MONETARY ASSESSMENT BY THE COURT
23 PURSUANT TO SECTION 8-341, SUBSECTION G OR H, A MINIMUM OF TWO-THIRDS OF ANY
24 COMPENSATION EARNED SHALL BE PAID TO THE CLERK OF THE SUPERIOR COURT TO
25 SATISFY THE MONETARY ASSESSMENT. WHILE A YOUTH IS ON CONDITIONAL LIBERTY THE
26 DEPARTMENT SHALL DETERMINE THE AMOUNT OF WAGES TO BE CREDITED TO A MONETARY
27 ASSESSMENT.~~

28 ~~H. If a committed youth IN A SECURE CARE FACILITY is not subject to
29 a restitution order OR A MONETARY ASSESSMENT, two-thirds of any compensation
30 earned pursuant to this section shall be used to defer the costs of room and
31 board for maintaining the committed youth at the secure care facility.~~

32 ~~I. The department shall require the payment of court ordered
33 RESTITUTION, monetary reimbursements or assessments as a term of conditional
34 liberty. While a youth is on conditional liberty the department shall
35 determine the portion of wages to be credited to restitution and the nature
36 of the work program.~~

37 ~~J. WITH THE APPROVAL OF THE JUVENILE COURT AND THE VICTIM, COMMUNITY
38 SERVICE HOURS MAY BE SUBSTITUTED FOR MONETARY RESTITUTION OR MONETARY
39 ASSESSMENTS AT A RATE DEEMED REASONABLE BY THE DEPARTMENT.~~

40 ~~K. THE DEPARTMENT MAY ENTER INTO CONTRACTS WITH THIS STATE, ANY
41 POLITICAL SUBDIVISION OF THIS STATE OR PRIVATE ENTITIES IN ORDER TO PROVIDE
42 EMPLOYMENT OR VOCATIONAL EDUCATIONAL EXPERIENCE. ANY REVENUES THE DEPARTMENT
43 RECEIVES FROM THE CONTRACTS SHALL BE DEPOSITED IN THE DEPARTMENT OF JUVENILE
44 CORRECTIONS RESTITUTION FUND PURSUANT TO SECTION 41-2826 AND SHALL BE USED
45 IN ACCORDANCE WITH THE PURPOSES OF THE FUND.~~

1 Sec. 3. Title 41, chapter 26, article 1, Arizona Revised Statutes, is
2 amended by adding section 41-2822.01, to read:

3 41-2822.01. Education requirement for committed youth

4 A. A COMMITTED YOUTH WHO IS CONFINED IN A SECURE CARE FACILITY AND HAS
5 NOT RECEIVED A HIGH SCHOOL DIPLOMA, A HIGH SCHOOL CERTIFICATE OF EQUIVALENCY
6 OR AN EXCEPTION FROM THE DIRECTOR SHALL ATTEND SCHOOL FULL TIME AND MAKE
7 SATISFACTORY PROGRESS IN EDUCATIONAL CLASSES. A COMMITTED YOUTH WHO IS
8 CONFINED IN A SECURE CARE FACILITY AND HAS ACHIEVED A HIGH SCHOOL DIPLOMA OR
9 A HIGH SCHOOL CERTIFICATE OF EQUIVALENCY MAY ATTEND OR PARTICIPATE IN REGULAR
10 CLASSES OR THE EDUCATIONAL PROGRAMMING ESTABLISHED OR PROVIDED BY THE
11 DEPARTMENT AS THE DEPARTMENT DEEMS APPROPRIATE.

12 B. IF A YOUTH REGULARLY ATTENDS AND IS MAKING SATISFACTORY PROGRESS
13 IN EDUCATIONAL CLASSES AS PRESCRIBED IN THIS SECTION THE YOUTH SHALL BE
14 REQUIRED TO WORK AT LEAST TWENTY HOURS A WEEK WITH UP TO TEN HOURS OF
15 HOMEWORK A WEEK COUNTING TOWARD THIS REQUIREMENT.

16 Sec. 4. Section 41-2825, Arizona Revised Statutes, is amended to read:

17 41-2825. Community work program

18 A. A community work program is established under the jurisdiction of
19 the department of ~~juvenile corrections~~.

20 B. The director of ~~the department of juvenile corrections~~ may place
21 a person granted conditional liberty in the community work program under the
22 direction of the department.

23 C. The community work program shall involve community restitution
24 programs, including graffiti abatement, park maintenance and other community
25 service activities.

26 D. THE DEPARTMENT MAY CREDIT A YOUTH FOR COMMUNITY SERVICE PURSUANT
27 TO SECTION 41-2826 AT A RATE DEEMED REASONABLE BY THE DIRECTOR. MONIES
28 CREDITED TO THE YOUTH UNDER THIS SUBSECTION MAY ONLY BE USED TO SATISFY
29 RESTITUTION OR COURT ORDERED MONETARY ASSESSMENTS.

30 Sec. 5. Title 41, chapter 26, article 1, Arizona Revised Statutes, is
31 amended by adding section 41-2826, to read:

32 41-2826. Department of juvenile corrections restitution fund;
33 report

34 A. THE DEPARTMENT OF JUVENILE CORRECTIONS RESTITUTION FUND IS
35 ESTABLISHED FOR THE PAYMENT OF RESTITUTION AND MONETARY ASSESSMENTS BY YOUTHS
36 WHO ARE ORDERED TO PAY RESTITUTION OR MONETARY ASSESSMENTS AND WHO ARE
37 FINANCIALLY UNABLE TO PAY OR WHO ARE OTHERWISE UNABLE TO BE EMPLOYED TO EARN
38 MONEY TO PAY RESTITUTION OR MONETARY ASSESSMENTS AND WHO ARE WORKING IN THE
39 COMMITTED YOUTH WORK PROGRAM PRESCRIBED BY SECTION 41-2822 OR THE COMMUNITY
40 WORK PROGRAM ESTABLISHED BY SECTION 41-2825. THE FUND CONSISTS OF FEDERAL,
41 STATE AND LOCAL APPROPRIATIONS AND GRANTS, GIFTS, DEVISES AND DONATIONS FROM
42 ANY PUBLIC OR PRIVATE SOURCE. THE FUND SHALL BE USED TO PAY A YOUTH FOR THE
43 YOUTH'S WORK IN THE COMMITTED YOUTH WORK PROGRAM PRESCRIBED BY SECTION
44 41-2822 AND TO PROVIDE MONIES FOR THE COMMUNITY WORK PROGRAM ESTABLISHED BY
45 SECTION 41-2825.

1 B. THE DIRECTOR MAY DIRECT THE PAYMENT OF MONIES FROM THE FUND TO THE
2 VICTIM OR THE COURT FOR COMMUNITY SERVICE THE YOUTH DOES TO PAY RESTITUTION
3 OR MONETARY ASSESSMENTS THAT WERE ORDERED BY THE JUVENILE COURT OR THAT THE
4 YOUTH AGREED TO PAY AS PART OF A COMMUNITY WORK PROGRAM ADMINISTERED BY THE
5 DEPARTMENT. IF A YOUTH PERFORMS COMMUNITY SERVICE PURSUANT TO THIS
6 SUBSECTION, THE ENTITY PROVIDING THE WORK SHALL SUPERVISE THE YOUTH'S WORK.
7 THE YOUTH SHALL BE CREDITED FOR EACH HOUR WORKED AT AN HOURLY RATE SET BY THE
8 DIRECTOR.

9 C. AS MONIES ARE AVAILABLE, THE DEPARTMENT SHALL PAY FROM THE FUND
10 YOUTH WHO PERFORM WORK OR COMMUNITY SERVICE FOR RESTITUTION AND MONETARY
11 ASSESSMENTS PURPOSES.

12 D. THE DEPARTMENT MAY EXPEND, FOR THE PAYMENT OF ADMINISTRATIVE COSTS
13 AND EXPENSES, AN AMOUNT NOT GREATER THAN TEN PER CENT OF THE FUND BALANCE AS
14 OF THE END OF THE PRECEDING FISCAL YEAR.

15 E. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED AND ARE EXEMPT
16 FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

17 F. ON OR BEFORE AUGUST 15, 2002, AND EACH YEAR THEREAFTER, THE
18 DEPARTMENT SHALL SUBMIT A REPORT TO THE JOINT LEGISLATIVE BUDGET COMMITTEE
19 DETAILING ALL REVENUES RECEIVED BY AND EXPENDITURES MADE FROM THE FUND DURING
20 THE MOST RECENT FISCAL YEAR.

APPROVED BY THE GOVERNOR MAY 1, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2001.



Passed the House March 19, 20 01,

Passed the Senate April 19, 20 01,

by the following vote: 53 Ayes,

by the following vote: 27 Ayes,

1 Nays, 6 Not Voting

3 Nays, 0 Not Voting

John Flake
Speaker of the House
Pro Tempore

Robert Anderson
President of the Senate

Norman L. Moore
Chief Clerk of the House

Charmian Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

[Signature]

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

[Signature]

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this day of , 20 ,

at o'clock M.

[Signature]

Secretary of State

H.B. 2284

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 24, 2001,

by the following vote: 52 Ayes,

1 Nays, 7 Not Voting

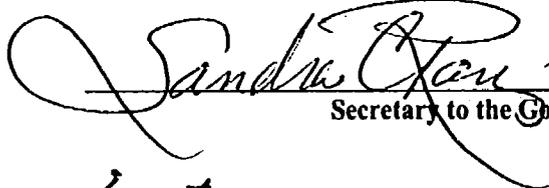

Speaker of the House


Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
25 day of April, 2001,

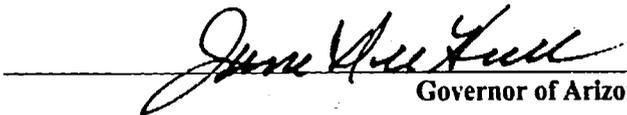
at 8:05 o'clock A M.


Secretary to the Governor

Approved this first day of

May, 2001,

at 9:51 o'clock 4 M.

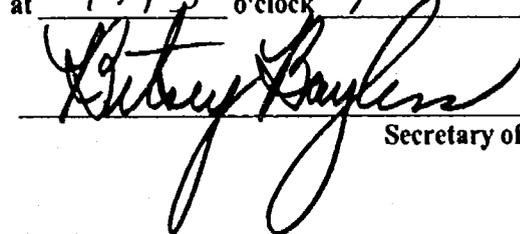

Governor of Arizona

H.B. 2284

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 1 day of May, 2001,

at 4:45 o'clock P M.


Secretary of State