

Conference Engrossed

State of Arizona
Senate
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 256

SENATE BILL 1291

AN ACT

AMENDING SECTION 31-254, ARIZONA REVISED STATUTES; REPEALING TITLE 31, CHAPTER 2, ARTICLE 6, ARIZONA REVISED STATUTES; AMENDING TITLE 31, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING A NEW ARTICLE 6; AMENDING SECTIONS 33-1308, 41-1604.07, 41-3751 AND 42-3106, ARIZONA REVISED STATUTES; RELATING TO DRUG OFFENDERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 31-254, Arizona Revised Statutes, is amended to
3 read:

4 31-254. Compensation for labor performed; price of prison made
5 articles; distribution of earnings; workers'
6 compensation

7 A. Each prisoner who is engaged in productive work in any state prison
8 or institution under the jurisdiction of the department or a private prison
9 under contract with the department as a part of the prison industries program
10 shall receive for the prisoner's work the compensation that the director
11 determines. The compensation shall be in accordance with a graduated
12 schedule based on quantity and quality of work performed and skill required
13 for its performance but shall not exceed fifty cents per hour unless the
14 prisoner is employed in an Arizona correctional industries program pursuant
15 to title 41, chapter 11, article 3. If the director enters into a contract
16 pursuant to section 41-1624.01 with a private person, firm, corporation or
17 association the director shall prescribe prisoner compensation of at least
18 two dollars per hour. Compensation shall not be paid to prisoners for
19 attendance at educational training or treatment programs, but compensation
20 may be paid for work training programs.

21 B. Whenever a price is fixed for any article, material, supply or
22 services to be produced, manufactured, supplied or performed in connection
23 with the industries program of the department, the compensation paid to
24 prisoners shall be included as an item of cost in fixing the price.

25 C. The compensation of prisoners shall be paid out of the fund
26 established pursuant to section 41-1624 or out of funds appropriated for that
27 purpose by the legislature when required.

28 D. If the compensation due a prisoner is less than two dollars per
29 hour, mandatory deductions shall be taken for the following purposes in the
30 order specified:

31 1. Twenty-five per cent of the prisoner's gross wages until the
32 prisoner's dedicated discharge account registers a fifty dollar balance.

33 ~~2. If a court has ordered the prisoner to pay restitution pursuant to~~
34 ~~section 13-603, thirty per cent of the prisoner's compensation shall be~~
35 ~~expended for the court ordered restitution.~~

36 ~~3. 2. If the prisoner initiates a lawsuit, twenty per cent from all~~
37 ~~deposits to the prisoner's spendable account until the court fees are~~
38 ~~collected in full.~~

39 3. IF THE PRISONER WAS CONVICTED OF A VIOLATION OF TITLE 13, CHAPTER
40 34, EIGHT PER CENT OF THE PRISONER'S WAGES SHALL BE USED EXCLUSIVELY TO FUND
41 THE TRANSITION OFFICE ESTABLISHED BY SECTION 31-283. ALL MONIES COLLECTED
42 UNDER THIS PARAGRAPH SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND
43 35-147, IN THE TRANSITION OFFICE FUND ESTABLISHED BY SECTION 31-284.

1 4. IF A COURT HAS ORDERED THE PRISONER TO PAY RESTITUTION PURSUANT TO
2 SECTION 13-603, THIRTY PER CENT OF THE PRISONER'S COMPENSATION SHALL BE SPENT
3 FOR THE COURT ORDERED RESTITUTION.

4 ~~4.~~ 5. Thirty per cent of the prisoner's wages for court ordered
5 dependent care.

6 E. If the compensation due a prisoner equals or exceeds two dollars
7 per hour, the director shall credit to the prisoner's spendable account
8 established pursuant to section 31-230 an amount equaling fifty cents per
9 hour for each hour compensation is due plus ten per cent of the adjusted
10 balance remaining after the mandatory deductions are taken. Mandatory
11 deductions shall be taken for the following purposes in the order specified:

12 1. Twenty-five per cent of the prisoner's gross wages until the
13 prisoner's dedicated discharge account registers a fifty dollar balance.

14 2. If a court has ordered the prisoner to pay restitution, thirty per
15 cent of the prisoner's compensation shall be expended for the court ordered
16 restitution.

17 3. If the prisoner initiates a lawsuit, twenty per cent from all
18 deposits to the prisoner's spendable account until the court costs are
19 collected in full.

20 4. Thirty per cent of the prisoner's wages for the room and board
21 costs of maintaining the prisoner at the facility.

22 5. Thirty per cent of the prisoner's wages for court ordered dependent
23 care.

24 F. After the mandatory deductions and obligations are paid by the
25 prisoner, the remaining monies shall be credited to the prisoner's retention
26 account established by the director pursuant to section 31-261, subsection
27 B.

28 G. A prisoner may gain access to the prisoner's trust fund or
29 retention account for emergency purposes at the sole discretion of the
30 director.

31 H. Any monies not expended from the contributing prisoner's trust fund
32 or retention account for the purposes prescribed in subsection E of this
33 section shall be paid to the prisoner upon release pursuant to section
34 31-228.

35 I. If any prisoner escapes, the director shall determine what portion
36 of the prisoner's earnings shall be forfeited, and the forfeited amount shall
37 be deposited in the special services fund established by section 41-1604.03.

38 J. This section is not intended to restore, in whole or in part, the
39 civil rights of any prisoner. No prisoner WHO IS compensated under this
40 section shall be considered as TO BE an employee OF or to be employed by the
41 THIS state, THE department, or any private person, firm, corporation, or
42 association engaged in a contract pursuant to section 41-1624.01, nor shall
43 any such AND THE prisoner DOES NOT come within any of the provisions of the
44 workers' compensation provided in title 23, chapter 6 or be AND IS NOT
45 entitled to any benefits under title 23, chapter 6 whether on behalf of the

1 prisoner or of any other person. This subsection does not apply to prisoners
2 who are employed pursuant to a federally certified prison industry
3 enhancement program established pursuant to section 41-1674.

4 Sec. 2. Repeal

5 Title 31, chapter 2, article 6, Arizona Revised Statutes, is repealed.

6 Sec. 3. Title 31, chapter 2, Arizona Revised Statutes, is amended by
7 adding a new article 6, to read:

8 ARTICLE 6. TRANSITION PROGRAM

9 31-281. Transition program; drug offenders; report

10 A. THE DEPARTMENT SHALL ESTABLISH A TRANSITION PROGRAM. THE
11 DEPARTMENT SHALL CONTRACT WITH ANY PRIVATE OR NONPROFIT ENTITY TO PROVIDE
12 ELIGIBLE INMATES WITH TRANSITION SERVICES AND SHALL PROCURE TRANSITION
13 SERVICES PURSUANT TO TITLE 41, CHAPTER 23.

14 B. THE DIRECTOR SHALL ADOPT RULES TO IMPLEMENT THIS ARTICLE. THE
15 RULES SHALL INCLUDE:

16 1. ELIGIBILITY CRITERIA FOR RECEIVING THE CONTRACTED ENTITY'S
17 TRANSITION SERVICES. TO BE ELIGIBLE, AT A MINIMUM, AN INMATE SHALL:

18 (a) BE CONVICTED OF A VIOLATION OF TITLE 13, CHAPTER 34, EXCEPT THAT
19 AN INMATE WHO WAS CONVICTED OF A VIOLATION OF TITLE 13, CHAPTER 14 OR 17 OR
20 AN OFFENSE INVOLVING DEATH OR PHYSICAL INJURY OR THE USE OF A DEADLY WEAPON
21 OR DANGEROUS INSTRUMENT IS NOT ELIGIBLE TO PARTICIPATE IN THE TRANSITION
22 PROGRAM.

23 (b) BE FREE OF ANY UNRESOLVED DETAINERS.

24 (c) AGREE IN WRITING TO PROVIDE SPECIFIC INFORMATION AFTER THE INMATE
25 IS RELEASED. THE DEPARTMENT SHALL USE THE INFORMATION TO PREPARE THE REPORT
26 PRESCRIBED BY SUBSECTION D, PARAGRAPH 3 OF THIS SECTION.

27 2. A REQUIREMENT THAT THE CONTRACTED ENTITY TRAIN MENTORS OR CERTIFY
28 THAT MENTORS ARE TRAINED.

29 3. THE SERVICES THAT MAY BE OFFERED TO AN INMATE.

30 C. IN AWARDING CONTRACTS UNDER THIS SECTION THE DEPARTMENT SHALL
31 COMPLY WITH SECTION 41-3751.

32 D. THE DEPARTMENT SHALL:

33 1. CONDUCT AN ANNUAL STUDY TO DETERMINE THE RECIDIVISM RATE OF PERSONS
34 WHO RECEIVE THE CONTRACTED ENTITY'S SERVICES PURSUANT TO THIS ARTICLE.

35 2. EVALUATE THE INMATE AND SHALL PROVIDE THE INFORMATION TO THE
36 CONTRACTED ENTITY. THE CONTRACTED ENTITY SHALL MAKE THE FINAL DETERMINATION
37 OF PROGRAM ELIGIBILITY.

38 3. SUBMIT A WRITTEN REPORT TO THE GOVERNOR, THE PRESIDENT OF THE
39 SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES ON OR BEFORE DECEMBER
40 31 OF EACH YEAR AND PROVIDE A COPY OF THIS REPORT TO THE SECRETARY OF STATE
41 AND THE DIRECTOR OF THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC
42 RECORDS. THE REPORT SHALL CONTAIN THE FOLLOWING INFORMATION:

43 (a) THE RECIDIVISM RATE OF PERSONS WHO RECEIVE SERVICES PURSUANT TO
44 THIS ARTICLE.

1 (b) THE NUMBER OF PERSONS WHO RECEIVED SERVICES PURSUANT TO THIS
2 ARTICLE.

3 (c) THE NUMBER OF PERSONS WHO WERE NOT PROVIDED SERVICES PURSUANT TO
4 THIS ARTICLE AND WHO WERE ON A LIST WAITING TO RECEIVE SERVICES.

5 (d) THE TYPES OF SERVICES PROVIDED.

6 (e) THE NUMBER OF PERSONS WHO RECEIVED EACH TYPE OF SERVICE PROVIDED.

7 31-282. Contracted entities; duties; services; definition

8 A. THE ENTITY THAT CONTRACTS WITH THE DEPARTMENT TO PROVIDE TRANSITION
9 SERVICES PURSUANT TO THIS ARTICLE SHALL COORDINATE ALL SERVICES PROVIDED BY
10 THE ENTITY WITH THE DEPARTMENT.

11 B. THE CONTRACTED ENTITY SHALL ESTABLISH A NETWORK THAT MAY INCLUDE
12 COMMUNITY AND FAITH-BASED ORGANIZATIONS TO MAKE MENTORING SERVICES AND
13 ASSISTANCE AVAILABLE TO ELIGIBLE PERSONS BEFORE AND AFTER ELIGIBLE PERSONS
14 ARE RELEASED FROM CONFINEMENT. A CONTRACTED ENTITY MAY PROVIDE THE FOLLOWING
15 SERVICES TO ELIGIBLE PERSONS:

16 1. ASSISTANCE IN PLACING THE PERSON IN EMPLOYMENT.

17 2. ASSISTANCE IN PLACING THE PERSON IN JOB TRAINING.

18 3. ASSISTANCE WITH FINDING OTHER TRANSITIONAL NEEDS, INCLUDING
19 HOUSING, FOOD OR TREATMENT SERVICES.

20 4. ASSISTANCE IN FINDING HEALTH INSURANCE COVERAGE FOR THE PERSON AND,
21 IF APPLICABLE, MEDICAL ASSISTANCE, INCLUDING ASSISTANCE IN FINDING NECESSARY
22 MEDICATION.

23 5. MENTORING SERVICES FROM THE NETWORK ESTABLISHED PURSUANT TO THIS
24 SUBSECTION.

25 C. THE CONTRACTED ENTITY SHALL COORDINATE WITH THE DEPARTMENT TO
26 ASSIST IN PLACING ELIGIBLE PERSONS IN APPROPRIATE TRAINING PROGRAMS THAT MAY
27 INCLUDE BASIC OR CONTINUING EDUCATION COURSES, ANGER MANAGEMENT,
28 COMMUNICATION SKILLS, DRUG TREATMENT, ALCOHOL TREATMENT OR CHARACTER
29 EDUCATION.

30 D. FOR THE PURPOSES OF THIS SECTION, "ELIGIBLE PERSON" MEANS A PERSON
31 WHO IS ELIGIBLE TO RECEIVE TRANSITION SERVICES AS DETERMINED BY THE DIRECTOR
32 PURSUANT TO SECTION 31-281.

33 31-283. Transition offices; location; duties

34 A. THE DEPARTMENT SHALL LOCATE AT LEAST TWO TRANSITION OFFICES FOR AN
35 ENTITY THAT CONTRACTS WITH THE DEPARTMENT PURSUANT TO SECTION 31-281. THE
36 OFFICES SHALL BE LOCATED IN ANY TWO FACILITIES UNDER THE JURISDICTION OF THE
37 DEPARTMENT. THE ENTITY THAT IS AWARDED A CONTRACT PURSUANT TO SECTION 31-281
38 SHALL ALSO MAINTAIN AT LEAST TWO TRANSITION OFFICES THAT:

39 1. ARE NOT LOCATED IN A FACILITY UNDER THE JURISDICTION OF THE
40 DEPARTMENT.

41 2. ARE LOCATED IN AT LEAST TWO DIFFERENT CITIES.

42 B. THE TRANSITION OFFICES SHALL PROVIDE LIAISON SERVICES TO THE STATE
43 DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF HEALTH SERVICES, THE GOVERNOR'S
44 OFFICE, COUNTY PROBATION DEPARTMENTS AND COMMUNITY AND FAITH-BASED

1 ORGANIZATIONS AND MAY BE STAFFED WITH PERSONNEL FROM THESE AGENCIES AND
2 ORGANIZATIONS.

3 C. THE TRANSITION OFFICE MAY ACCEPT GRANTS TO IMPLEMENT THIS SECTION.

4 31-284. Transition office fund

5 THE TRANSITION OFFICE FUND IS ESTABLISHED CONSISTING OF THE MONIES
6 COLLECTED PURSUANT TO SECTION 31-254, SUBSECTION D, PARAGRAPH 3. THE
7 DEPARTMENT SHALL ADMINISTER THE FUND TO PAY FOR COSTS RELATED TO THE
8 TRANSITION OFFICE. MONIES IN THE FUND ARE SUBJECT TO LEGISLATIVE
9 APPROPRIATION AND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING
10 TO LAPSING OF APPROPRIATIONS.

11 31-285. Transition program release; report

12 A. BEGINNING ON JANUARY 1, 2004, AN INMATE WHO ENTERS A TRANSITION
13 PROGRAM PURSUANT TO THIS ARTICLE SHALL BE RELEASED FROM CONFINEMENT THREE
14 MONTHS EARLIER THAN THE INMATE'S EARLIEST RELEASE DATE.

15 B. THE DEPARTMENT SHALL PREPARE A QUARTERLY REPORT THAT DETAILS THE
16 COST REDUCTIONS TO THE DEPARTMENT THAT ARE DIRECTED TO THE TRANSITION PROGRAM
17 PURSUANT TO THIS ARTICLE. THE REDUCTION RATE SHALL EQUAL AT LEAST SEVENTEEN
18 DOLLARS PER INMATE PER DAY. THE DEPARTMENT SHALL SUBMIT A COPY OF ITS REPORT
19 TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
20 REPRESENTATIVES AND SHALL PROVIDE A COPY OF THIS REPORT TO THE DIRECTOR OF
21 THE JOINT LEGISLATIVE BUDGET COMMITTEE, THE SECRETARY OF STATE AND THE
22 DIRECTOR OF THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS.

23 C. THE STATE TREASURER SHALL DEPOSIT ANY COST REDUCTIONS THAT ARE
24 IDENTIFIED PURSUANT TO SUBSECTION B OF THIS SECTION IN THE TRANSITION PROGRAM
25 DRUG TREATMENT FUND ESTABLISHED BY SECTION 31-286 FOR THE PURPOSE OF
26 PROVIDING TRANSITIONAL SERVICES.

27 31-286. Transition program drug treatment fund

28 A. THE TRANSITION PROGRAM DRUG TREATMENT FUND IS ESTABLISHED
29 CONSISTING OF MONIES DISTRIBUTED PURSUANT TO SECTION 42-3106, SUBSECTION C
30 AND MONIES DEPOSITED PURSUANT TO SECTION 31-285, SUBSECTION C.

31 B. THE DEPARTMENT SHALL ADMINISTER THE FUND AND SHALL DISTRIBUTE FUND
32 MONIES TO ENTITIES THAT PROVIDE TRANSITION SERVICES TO NONVIOLENT DRUG
33 OFFENDERS. MONIES IN THE FUND ARE SUBJECT TO LEGISLATIVE APPROPRIATION AND
34 ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF
35 APPROPRIATIONS.

36 31-287. Program termination

37 THE PROGRAM ESTABLISHED BY THIS ARTICLE ENDS ON JULY 1, 2013 PURSUANT
38 TO SECTION 41-3102.

39 Sec. 4. Section 33-1308, Arizona Revised Statutes, is amended to read:

40 33-1308. Exclusions from application of chapter

41 Unless created to avoid the application of this chapter, the following
42 arrangements are not covered by this chapter:

43 1. Residence at an institution, public or private, if incidental to
44 detention, or the provision of medical, educational, counseling or religious
45 services OR THE PROVISION OF A SOCIAL SERVICE PROGRAM THAT IS PROVIDED BY A

1 SOCIAL SERVICE PROVIDER. FOR THE PURPOSES OF THIS PARAGRAPH, "SOCIAL SERVICE
2 PROVIDER" MEANS A PRIVATE ENTITY THAT DIRECTLY ASSISTS AN INDIVIDUAL OR
3 FAMILY IN OBTAINING HOUSING AND THAT OFFERS TO PROVIDE THE INDIVIDUAL OR
4 FAMILY WITH ASSISTANCE IN OBTAINING EMPLOYMENT, CHILD CARE, HEALTH CARE,
5 EDUCATION, SKILLS TRAINING, TRANSPORTATION, COUNSELING OR ANY OTHER RELATED
6 SERVICE.

7 2. Occupancy under a contract of sale of a dwelling unit or the
8 property of which it is a part, if the occupant is the purchaser or a person
9 who succeeds to his interest.

10 3. Occupancy by a member of a fraternal or social organization in the
11 portion of a structure operated for the benefit of the organization.

12 4. Transient occupancy in a hotel, motel or recreational lodging.

13 5. Occupancy by an employee of a landlord as a manager or custodian
14 whose right to occupancy is conditional upon employment in and about the
15 premises.

16 6. Occupancy by an owner of a condominium unit or a holder of a
17 proprietary lease in a cooperative.

18 7. Occupancy in or operation of public housing as authorized,
19 provided, or conducted under or pursuant to title 36, chapter 12, or under
20 or pursuant to any federal law or regulation.

21 Sec. 5. Section 41-1604.07, Arizona Revised Statutes, is amended to
22 read:

23 41-1604.07. Earned release credits; forfeiture; restoration

24 A. Pursuant to rules adopted by the director, each prisoner in the
25 eligible earned release credit class shall be allowed an earned release
26 credit of one day for every six days served, including time served in county
27 jails, except for those prisoners who are sentenced to serve the full term
28 of imprisonment imposed by the court.

29 B. Release credits earned by a prisoner pursuant to subsection A of
30 this section shall not reduce the term of imprisonment imposed by the court
31 on the prisoner.

32 C. On reclassification of a prisoner resulting from the prisoner's
33 failure to adhere to the rules of the department or failure to demonstrate
34 a continual willingness to volunteer for or successfully participate in a
35 work, educational, treatment or training program, the director may declare
36 all release credits earned by the prisoner forfeited. In the discretion of
37 the director forfeited release credits may subsequently be restored. The
38 director shall maintain an account of release credits earned by each
39 prisoner.

40 D. A prisoner who has reached the prisoner's earned release date or
41 sentence expiration date shall be released to begin the prisoner's term of
42 community supervision imposed by the court or term of probation if the court
43 waived community supervision pursuant to section 13-603, except that the
44 director may deny or delay the prisoner's release to community supervision
45 or probation if the director believes the prisoner may be a sexually violent

1 person as defined in section 36-3701 until the screening process is complete
2 and the director determines that the prisoner will not be referred to the
3 county attorney pursuant to section 36-3702. If the term of community
4 supervision is waived, the state department of corrections shall provide
5 reasonable notice to the probation department of the scheduled release of the
6 prisoner from confinement by the department. If the court waives community
7 supervision, the director shall issue the prisoner an absolute discharge on
8 the prisoner's earned release credit date. A prisoner who is released on the
9 earned release credit date to serve a term of probation is not under the
10 control of the state department of corrections when community supervision has
11 been waived and the state department of corrections is not required to
12 provide parole services.

13 E. Notwithstanding subsection D of this section, a prisoner who fails
14 to achieve functional literacy at an eighth grade literacy level shall not
15 be released to begin the prisoner's term of community supervision until
16 either the prisoner achieves an eighth grade functional literacy level as
17 measured by standardized assessment testing or the prisoner serves the full
18 term of imprisonment imposed by the court, whichever first occurs. This
19 subsection does not apply to inmates who are any of the following:

- 20 1. Unable to meet the functional literacy standard required by section
21 31-229.02, subsection A, due to a medical, developmental or learning
22 disability as described in section 31-229, subsection C.
- 23 2. Classified as level five offenders.
- 24 3. Foreign nationals.
- 25 4. Inmates who have less than six months incarceration to serve on
26 commitment to the department.
- 27 5. ~~Scheduled for release from the inmate's current sentence by July~~
28 ~~18, 2001.~~

29 F. The department shall establish conditions of community supervision
30 it deems appropriate in order to ensure that the best interests of the
31 prisoner and the citizens of this state are served. These conditions may
32 include participation in a rehabilitation program or counseling and
33 performance of community service work, except that if the prisoner was
34 convicted of a violation of sexual conduct with a minor under fifteen years
35 of age or molestation of a child under fifteen years of age, the department
36 shall impose as a condition of community supervision a prohibition on
37 residing within four hundred forty feet of a school or its accompanying
38 grounds. If a prisoner who reaches the prisoner's earned release credit date
39 refuses to sign and agree to abide by the conditions of supervision before
40 release on community supervision, the prisoner shall not be released. When
41 the prisoner reaches the sentence expiration date, the prisoner shall be
42 released to begin the term of community supervision. If the prisoner refuses
43 to sign and agree to abide by the conditions of release, the prisoner shall
44 not be released on the sentence expiration date and shall serve the term of
45 community supervision in prison. The department is required to supervise any

1 offender on community supervision until the period of community supervision
2 expires. The department may bring an offender in violation of the offender's
3 terms and conditions before the board of executive clemency. For the
4 purposes of this subsection, "school" means any public, charter or private
5 school where children attend classes.

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

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

16 I. A prisoner shall forfeit five days of the prisoner's earned release
17 credits:

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

21 (a) Brings a claim without substantial justification.

22 (b) Unreasonably expands or delays a proceeding.

23 (c) Testifies falsely or otherwise presents false information or
24 material to the court.

25 (d) Submits a claim that is intended solely to harass the party it is
26 filed against.

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

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

35 K. THE DIRECTOR MAY AUTHORIZE TEMPORARY RELEASE ON INMATE STATUS OF
36 ELIGIBLE INMATES PURSUANT TO RULES ADOPTED BY THE DIRECTOR WITHIN NINETY DAYS
37 OF ANY OTHER AUTHORIZED RELEASE DATE. THE RELEASE AUTHORIZATION APPLIES TO
38 ANY INMATE WHO HAS BEEN CONVICTED OF A DRUG OFFENSE, WHO HAS BEEN DETERMINED
39 TO BE ELIGIBLE FOR PARTICIPATION IN THE TRANSITION PROGRAM PURSUANT TO
40 SECTION 31-281 AND WHO HAS AGREED TO PARTICIPATE IN THE TRANSITION PROGRAM.

41 Sec. 6. Section 41-3751, Arizona Revised Statutes, is amended to read:

42 41-3751. Contracts for goods and services; religious
43 organizations; definition

44 A. Notwithstanding any other law or executive order, and in accordance
45 with this section, all public bodies shall contract for goods and services

1 provided pursuant to title 8, 36 or 46 OR TITLE 31, CHAPTER 2, ARTICLE 6
2 without discrimination against religious organizations and shall provide
3 beneficiaries of assistance under the programs established by law with
4 certificates, vouchers or other forms of disbursement that are redeemable
5 with these organizations that are awarded a contract. The public bodies may
6 use any state, federal, local or other monies available for these purposes.

7 B. The public bodies shall allow contracts with religious
8 organizations to provide goods and services provided pursuant to title 8, 36
9 or 46 OR TITLE 31, CHAPTER 2, ARTICLE 6 and to accept certificates, vouchers
10 or other forms of disbursement under any program established on the same
11 basis as any other nongovernmental provider without impairing the religious
12 character of these organizations, and without diminishing the religious
13 freedom of beneficiaries of assistance funded under these programs. The
14 programs shall be implemented consistent with the first amendment of the
15 United States Constitution. The public bodies shall not discriminate against
16 an organization that is or applies to be a contractor to provide assistance
17 or that accepts certificates, vouchers or other forms of disbursement on the
18 basis that the organization has a religious character.

19 C. A religious organization with a contract described in this section
20 shall retain its independence from federal, state and local governments,
21 including the religious organization's control over the definition,
22 development, practice and expression of its religious beliefs. Public bodies
23 shall not require a religious organization to alter its form of internal
24 governance or to remove religious art, icons, scripture or other symbols in
25 order to be eligible to contract to provide assistance or to accept
26 certificates, vouchers or other forms of disbursement funded under any
27 program or public contract.

28 D. If a person who applies for or receives goods, services or
29 disbursements, objects to the religious character of the organization or
30 institution from which the person receives or would receive assistance funded
31 under any program, the public body shall provide the person, within a
32 reasonable period of time after the date of the objection, with assistance
33 from an alternative provider that is accessible to the person if an
34 alternative provider is available and the value of which is not less than the
35 value of assistance that the person would have received from the religious
36 organization. Organizations shall provide notice to people receiving
37 assistance of the right to object pursuant to this subsection.

38 E. A religious organization's exemption provided under section 702 of
39 the civil rights act of 1964 (P.L. 88-352; 78 Stat. 255; 42 United States
40 Code section 2000e-1a) regarding employment practices is not affected by its
41 participation in or receipt of monies from programs described in this
42 section. Nothing in this section allows religious organizations to
43 discriminate in employment practices on the basis of race, age, color, sex
44 or national origin.

1 F. Except as otherwise provided by law, a religious organization shall
2 not discriminate against a person in regard to rendering assistance funded
3 under any program described in this section on the basis of religion, a
4 religious belief or refusal to participate in a religious practice, or on the
5 basis of race, age, color, sex or national origin.

6 G. Except as provided in subsection H, any religious organization that
7 contracts to provide goods, services or assistance funded under any program
8 is subject to the same rules as other contractors to account in accordance
9 with generally accepted auditing principles for the use of the monies
10 provided under the program.

11 H. If a religious organization segregates public monies provided under
12 these programs into separate accounts, only the programs funded by financial
13 assistance provided with these monies are subject to financial and
14 performance audits.

15 I. Appeals from the decisions of the head of a state agency, board or
16 commission may be made to the director of the department of administration
17 in accordance with the rules of procedure adopted by the director pursuant
18 to ~~title 41~~, chapter 23, article 9 OF THIS TITLE to resolve bid protests.

19 J. No monies provided directly to institutions or organizations to
20 provide services and administer programs under this section may be spent for
21 sectarian worship, instruction or proselytization. This subsection does not
22 apply to the contracting for the services of chaplains by a public body.

23 K. For THE purposes of this section, "public body" means state
24 agencies, boards and commissions and political subdivisions of this state.

25 Sec. 7. Section 42-3106, Arizona Revised Statutes, is amended to read:
26 42-3106. Monies allocated to the drug treatment and education
27 fund; state department of corrections revolving fund

28 A. Notwithstanding any law to the contrary, seven per cent of the
29 monies collected pursuant to section 42-3052, paragraph 1 and eighteen per
30 cent of the monies collected pursuant to section 42-3052, paragraphs 2, 3 and
31 4 shall be deposited in the drug treatment and education fund established by
32 section 13-901.02.

33 B. Notwithstanding any law to the contrary, three per cent of the
34 monies collected pursuant to section 42-3052, paragraph 1 and seven per cent
35 of the monies collected pursuant to section 42-3052, paragraphs 2, 3 and 4
36 shall be deposited in a separate revolving fund of the state department of
37 corrections.

38 C. NOTWITHSTANDING ANY LAW TO THE CONTRARY, FOR FISCAL YEAR 2003-2004,
39 FIVE HUNDRED THOUSAND DOLLARS OF THE MONIES DEPOSITED IN THE SEPARATE
40 REVOLVING FUND OF THE STATE DEPARTMENT OF CORRECTIONS PURSUANT TO SUBECTION
41 B OF THIS SECTION SHALL BE DISTRIBUTED TO THE TRANSITION PROGRAM DRUG
42 TREATMENT FUND ESTABLISHED BY SECTION 31-286.

43 D. FOR FISCAL YEAR 2003-2004 AND THEREAFTER, ANY REMAINING MONIES IN
44 THE SEPARATE REVOLVING FUND OF THE STATE DEPARTMENT OF CORRECTIONS AFTER

1 DISTRIBUTION TO THE TRANSITION PROGRAM DRUG TREATMENT FUND SHALL BE USED for
2 the purposes of both:

3 1. Implementing section 31-411.01.

4 2. Offender participation in appropriate drug treatment or education
5 programs that are administered by a qualified agency, organization or
6 individual and that are approved by the department of health services for
7 offenders who the state department of corrections determines have a history
8 of substance abuse and who have been released from confinement.

9 ~~C.~~ E. Monies that are deposited in the state department of
10 corrections revolving fund pursuant to subsection B of this section shall not
11 revert to the state general fund if unexpended at the close of the fiscal
12 year.

13 ~~D.~~ F. If the state department of corrections receives a federal
14 grant, any portion of the monies that are deposited pursuant to subsection
15 B of this section may be used as a cash match.

16 Sec. 8. Applicability

17 This act applies to all inmates who were convicted of a violation of
18 title 13, chapter 34, Arizona Revised Statutes, and who are incarcerated in
19 a state correctional facility on or after the effective date of this act,
20 except that this act does not apply to an inmate who is incarcerated on the
21 effective date of this act and who is eligible for release from confinement
22 within six months after the effective date of this act.

APPROVED BY THE GOVERNOR MAY 26, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 27, 2003.

Passed the House May 1, 2003,

by the following vote: 54 Ayes,

3 Nays, 3 Not Voting

Passed the Senate March 17, 2003,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting



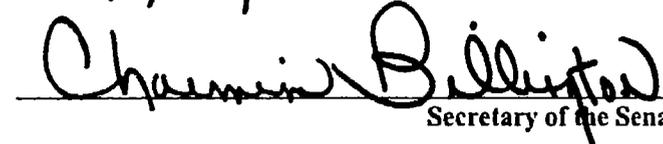
Speaker of the House
Pro Tempore



Herman L. Moore
Chief Clerk of the House



President of the Senate



Chairman 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.~~

~~_____
Secretary to the Governor~~

Approved this _____ day of

~~_____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
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.~~

~~_____
Secretary of State~~

S.B. 1291

HOUSE FINAL PASSAGE
as per Joint Conference

Passed the House May 19, 2003,

by the following vote: 51 Ayes,

4 Nays, 5 Not Voting

Jake Flake
Speaker of the House

Norman L. Moore
Chief Clerk of the House

SENATE FINAL PASSAGE
as per Joint Conference

Passed the Senate May 15, 2003,

by the following vote: 27 Ayes,

0 Nays, 3 Not Voting

Klu Bennett
President of the Senate

Charmine Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 20 day of May, 2003,

at 12:30 o'clock P M.

Jandra Ramirez
Secretary to the Governor

Approved this 26 day of

May, 2003,

at 11⁰⁵ o'clock A. M.

J. N. Rowland
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 27 day of May, 2003,

at 2:20 o'clock P. M.

Janice K. Brewer
Secretary of State

S.B. 1291