

Senate Engrossed

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-eighth Legislature  
First Regular Session  
2007

CHAPTER 140

# **SENATE BILL 1619**

AN ACT

AMENDING SECTIONS 31-230, 31-254 AND 31-261, 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 31-230, Arizona Revised Statutes, is amended to  
3 read:

4 31-230. Prisoner spendable accounts

5 A. The director shall establish a prisoner spendable account for each  
6 prisoner. All monies that are received by a prisoner and that are not  
7 required to be deposited in another account shall be deposited in the  
8 prisoner's SPENDABLE account.

9 B. The director shall adopt rules for the disbursement of monies from  
10 prisoner spendable accounts.

11 C. IF THE COURT HAS ORDERED THE PRISONER TO PAY RESTITUTION PURSUANT  
12 TO SECTION 13-603, THE DIRECTOR SHALL WITHDRAW A MINIMUM OF TWENTY PER CENT,  
13 OR THE BALANCE OWING ON THE RESTITUTION AMOUNT, UP TO A MAXIMUM OF FIFTY PER  
14 CENT OF THE MONIES AVAILABLE IN THE PRISONER'S SPENDABLE ACCOUNT EACH MONTH  
15 TO PAY THE COURT ORDERED RESTITUTION.

16 Sec. 2. Section 31-254, Arizona Revised Statutes, is amended to read:

17 31-254. Compensation for labor performed; price of prison made  
18 articles; distribution of earnings; workers'  
19 compensation

20 A. Each prisoner who is engaged in productive work in any state prison  
21 or institution under the jurisdiction of the department or a private prison  
22 under contract with the department as a part of the prison industries program  
23 shall receive for the prisoner's work the compensation that the director  
24 determines. The compensation shall be in accordance with a graduated  
25 schedule based on quantity and quality of work performed and skill required  
26 for its performance but shall not exceed fifty cents per hour unless the  
27 prisoner is employed in an Arizona correctional industries program pursuant  
28 to title 41, chapter 11, article 3. If the director enters into a contract  
29 pursuant to section 41-1624.01 with a private person, firm, corporation or  
30 association the director shall prescribe prisoner compensation of at least  
31 two dollars per hour. Compensation shall not be paid to prisoners for  
32 attendance at educational training or treatment programs, but compensation  
33 may be paid for work training programs.

34 B. Whenever a price is fixed for any article, material, supply or  
35 ~~services~~ SERVICE to be produced, manufactured, supplied or performed in  
36 connection with the industries program of the department, the compensation  
37 paid to prisoners shall be included as an item of cost in fixing the price.

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

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

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

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

6           3. If the prisoner was convicted of a violation of title 13, chapter  
7 34, eight per cent of the prisoner's wages shall be used exclusively to fund  
8 the transition ~~office~~ OFFICES established by section 31-283. All monies  
9 collected under this paragraph shall be deposited, pursuant to sections  
10 35-146 and 35-147, in the transition office fund established by section  
11 31-284.

12           ~~4. If a court has ordered the prisoner to pay restitution pursuant to~~  
13 ~~section 13-603, thirty per cent of the prisoner's compensation shall be spent~~  
14 ~~for the court ordered restitution.~~

15           ~~5.~~ 4. Thirty per cent of the prisoner's wages for court ordered  
16 dependent care.

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

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

25           ~~2. If a court has ordered the prisoner to pay restitution, thirty per~~  
26 ~~cent of the prisoner's compensation shall be expended for the court ordered~~  
27 ~~restitution.~~

28           ~~3.~~ 2. If the prisoner initiates a lawsuit, twenty per cent from all  
29 deposits to the prisoner's spendable account until the court costs are  
30 collected in full.

31           ~~4.~~ 3. Thirty per cent of the prisoner's wages for the room and board  
32 costs of maintaining the prisoner at the facility.

33           ~~5.~~ 4. Thirty per cent of the prisoner's wages for court ordered  
34 dependent care.

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

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

41           H. Any monies not expended from the contributing prisoner's trust fund  
42 or retention account for the purposes prescribed in subsection E of this  
43 section shall be paid to the prisoner upon ON release pursuant to section  
44 31-228.

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

4 J. This section is not intended to restore, in whole or in part, the  
5 civil rights of any prisoner. No prisoner who is compensated under this  
6 section shall be considered to be an employee of or employed by this state,  
7 the department or any private person, firm, corporation or association  
8 engaged in a contract pursuant to section 41-1624.01, and the prisoner does  
9 not come within any of the provisions of the workers' compensation provided  
10 in title 23, chapter 6 and is not entitled to any benefits under title 23,  
11 chapter 6 whether on behalf of the prisoner or of any other person. This  
12 subsection does not apply to prisoners who are employed pursuant to a  
13 federally certified prison industry enhancement program established pursuant  
14 to section 41-1674.

15 Sec. 3. Section 31-261, Arizona Revised Statutes, is amended to read:  
16 31-261. Sale or exchange of products of individual prisoners

17 A. Products of individual prisoner enterprise, hobby, craft or art may  
18 be marketed to the public.

19 B. The director is authorized to establish a trust fund, or retention  
20 account, for the administration of the marketing programs prescribed by the  
21 ~~terms of~~ subsection A of this section or participation in other approved  
22 programs, the proceeds of which shall be distributed to the special service  
23 fund and the contributing prisoner's account. The fund shall be separate  
24 from funds appropriated by the legislature to department support and  
25 maintenance.

26 C. Notwithstanding the ~~provisions of~~ section 31-204, the provision for  
27 marketing products of prisoner or inmate ingenuity, skill or patent, as  
28 prescribed by the terms of this section, shall be permitted under formal  
29 rules to be published by the director.

30 D. IF THE COURT HAS ORDERED THE PRISONER TO PAY RESTITUTION PURSUANT  
31 TO SECTION 13-603, THE DIRECTOR SHALL WITHDRAW A MINIMUM OF TWENTY PER CENT,  
32 OR THE BALANCE OWING ON THE RESTITUTION AMOUNT, UP TO A MAXIMUM OF FIFTY PER  
33 CENT OF THE MONIES AVAILABLE IN THE PRISONER'S TRUST FUND OR RETENTION  
34 ACCOUNT EACH MONTH TO PAY THE COURT ORDERED RESTITUTION.

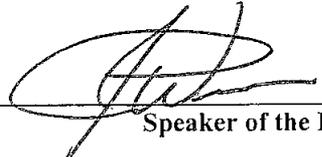
APPROVED BY THE GOVERNOR APRIL 24, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 24, 2007.

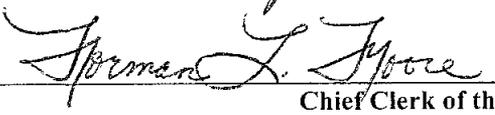
Passed the House April 17, 20 07,

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting



Speaker of the House

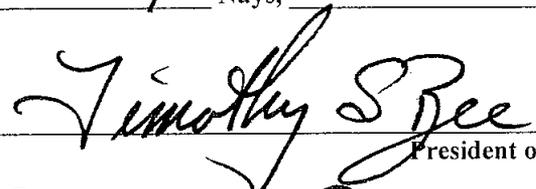


Chief Clerk of the House

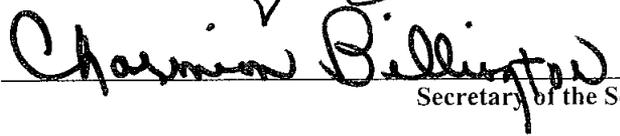
Passed the Senate March 8, 20 07,

by the following vote: 21 Ayes,

7 Nays, 2 Not Voting



President of the Senate



Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

18th day of April, 2007

at 12:26 o'clock p. M.



Secretary to the Governor

Approved this 24 day of

April, 2007,

at 9:30 o'clock A. M.



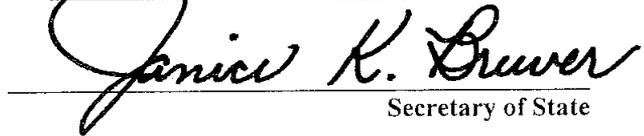
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 24 day of April, 20 07,

at 11:30 o'clock A. M.



Secretary of State

S.B. 1619