

House Engrossed Senate Bill

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

CHAPTER 293

SENATE BILL 1046

AN ACT

AMENDING SECTION 41-2820, ARIZONA REVISED STATUTES; RELATING TO 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 41-2820, Arizona Revised Statutes, is amended to
3 read:

4 41-2820. Discharge

5 A. Each youth shall be discharged from the jurisdiction of the
6 department on attaining eighteen years of age.

7 B. If the department determines that the youth's treatment,
8 rehabilitation and education pursuant to the individual treatment plan have
9 been successfully completed and that there is a reasonable probability that
10 the youth will observe the law and will not be a threat to the public's
11 safety if at liberty, the youth may be granted a discharge. On the discharge
12 of a youth pursuant to this subsection, the department shall promptly notify
13 the committing court, the county attorney in the county in which the youth
14 was committed and the victim or the victim's representative of the discharge.

15 C. Except as provided in subsection D of this section, a youth shall
16 be discharged from the jurisdiction of the department of juvenile corrections
17 if the youth is convicted of a felony offense.

18 D. A youth who is convicted of a felony offense and who committed the
19 offense while residing in a secure care facility operated by the department
20 of juvenile corrections either:

21 1. Shall be discharged from the department of juvenile corrections if
22 the youth is sentenced to the state department of corrections.

23 2. May be discharged from the department of juvenile corrections if
24 the youth is placed on adult probation and all the following apply:

25 (a) The youth has completed the minimum length of stay in secure care,
26 if any, that was assigned by the committing juvenile court pursuant to
27 section 8-341.

28 (b) The youth would have been eligible to be placed on conditional
29 liberty pursuant to section 41-2818.

30 (c) The youth is subject to the jurisdiction of an adult probation
31 department.

32 E. A youth may be discharged from the jurisdiction of the department
33 if the youth is placed by civil commitment under the jurisdiction of another
34 agency.

35 F. A YOUTH SHALL BE CONDITIONALLY DISCHARGED FROM THE JURISDICTION OF
36 THE DEPARTMENT IF ALL OF THE FOLLOWING REQUIREMENTS ARE SATISFIED:

37 1. THE YOUTH HAS COMPLETED THE MINIMUM LENGTH OF STAY IN A SECURE CARE
38 FACILITY, IF ANY, THAT WAS ASSIGNED BY THE COMMITTING JUVENILE COURT PURSUANT
39 TO SECTION 8-341.

40 2. THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT ENFORCES A
41 DETAINER BY TAKING CUSTODY OF THE YOUTH FOR IMMIGRATION PROCEEDINGS.

42 3. THE YOUTH MUST SIGN A CONDITION THAT THE YOUTH'S DISCHARGE WILL BE
43 VACATED IF THE YOUTH RETURNS TO THE UNITED STATES WITHOUT LEGAL
44 AUTHORIZATION.

- 1 G. IF THE DEPARTMENT RECEIVES ACTUAL NOTICE THAT A YOUTH WHO RECEIVED
2 A DISCHARGE PURSUANT TO THIS SECTION HAS RETURNED TO THE UNITED STATES
3 WITHOUT LEGAL AUTHORIZATION PRIOR TO THE YOUTH'S ATTAINING EIGHTEEN YEARS OF
4 AGE, THE DEPARTMENT SHALL:
- 5 1. VACATE THE DISCHARGE.
 - 6 2. PLACE THE YOUTH ON CONDITIONAL LIBERTY STATUS.
 - 7 3. ISSUE A WARRANT FOR THE APPREHENSION OF THE YOUTH.
 - 8 4. NOTIFY THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT.
 - 9 5. TAKE THE YOUTH INTO CUSTODY.

APPROVED BY THE GOVERNOR APRIL 27, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 27, 2011.

Passed the House April 13, 20 11,

by the following vote: 43 Ayes,

15 Nays, 2 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate January 27, 20 11,

by the following vote: 24 Ayes,

2 Nays, 2 Not Voting

[Signature]
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
_____ day of _____, 20____,
at _____ o'clock _____ M.

Secretary to the Governor~~

~~Approved this _____ day of
_____, 20____,
at _____ o'clock _____ M.

Governor of Arizona~~

S.B. 1046

~~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~~

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 14, 20 11

by the following vote: 28 Ayes,

1 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

15 day of April, 20 11

at 8:50 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 27th day of

April

at 2:09 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 27th day of April, 20 11

S.B. 1046

at 4:45 o'clock P. M.

[Signature]
Secretary of State