Senate Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Fifty-first Legislature
First Regular Session
2013

CHAPTER 44

SENATE BILL 1205

AN ACT

AMENDING SECTIONS 31-228, 31-237 AND 31-254, ARIZONA REVISED STATUTES; RELATING TO PRISONERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 31-228, Arizona Revised Statutes, is amended to read:

31-228. Procedure for discharge of prisoner; return of property; furnishing money, clothing and transportation ticket; allowing hair to grow before discharge

A. When a prisoner is released conditionally on parole, community supervision or probation if the court waived community supervision pursuant to section 13-603 or is discharged from a facility of the state department of corrections there shall be returned to the prisoner everything of value taken ~~upon~~ ON commitment to the state department of corrections, or thereafter received by the prisoner, UNLESS THE ITEM IS CONTRABAND AS DEFINED IN SECTION 13-2501.

B. ~~Except as provided in subsection C of this section and~~ In addition to items returned pursuant to subsection A of this section, all monies accumulated in a ~~wage earning~~ prisoner's dedicated discharge account shall be furnished to every PRISONER WHO IS paroled ~~or discharged prisoner not previously paroled~~, released on community supervision, released on probation if the court waived community supervision pursuant to section 13-603 or ~~is~~ discharged from the state department of corrections. ~~Not less than fifty dollars in cash shall be furnished to each nonwage earning inmate not previously paroled or discharged from the state department of corrections, unless such prisoner has immediately available financial resources in excess of two hundred fifty dollars.~~ Except for prisoners who are committed to the department as a condition of probation, ~~if a wage earning~~ PRISONERS WHO HAVE IMMEDIATELY AVAILABLE FINANCIAL RESOURCES IN EXCESS OF TWO HUNDRED FIFTY DOLLARS OR PRISONERS WHO WERE PREVIOUSLY PAROLED, RELEASED ON COMMUNITY SUPERVISION, RELEASED ON PROBATION IF THE COURT WAIVED COMMUNITY SUPERVISION PURSUANT TO SECTION 13-603 OR DISCHARGED FROM THE STATE DEPARTMENT OF CORRECTIONS, IF A prisoner has accumulated less than fifty dollars in the prisoner's dedicated discharge account, the monies accumulated in the account shall be furnished to the prisoner ~~upon~~ ON the prisoner's parole or discharge, and the state department of corrections shall furnish the difference ~~in cash~~ up to fifty dollars. THE DEPARTMENT MAY FURNISH THE MONIES TO A PRISONER WHO IS RELEASED TO THE COMMUNITY ON A STORED VALUE CARD, SMART CARD OR OTHER INSTRUMENT OR DEVICE THAT ENABLES A PERSON TO OBTAIN GOODS, SERVICES OR ANYTHING ELSE OF VALUE THROUGH THE USE OF VALUE STORED ON THE INSTRUMENT OR DEVICE.

C. A paroled prisoner, a prisoner who is released on community supervision or probation if the court waived community supervision pursuant to section 13-603 or a prisoner who is discharged may be furnished a nontransferable ticket on a railroad or bus serving at or near the place of release to the first railroad, bus station or ticket office beyond the limits

of the state in any direction. If the ticket is not used within three days after the date of discharge, unless prevented by illness, it shall be void.

~~C.~~ D. Notwithstanding subsection B of this section, the department shall furnish clothing not exceeding thirty-five dollars in cost to each prisoner who is paroled, discharged, released on community supervision or released on probation if the court waived community supervision pursuant to section 13-603.

~~D.~~ E. One month ~~prior to~~ BEFORE the date of discharge, the prisoner shall be permitted to allow the prisoner's hair to grow.

Sec. 2. Section 31-237, Arizona Revised Statutes, is amended to read:

31-237. Dedicated discharge accounts

A. Each wage earning prisoner who is committed to the department shall deposit into a dedicated discharge account of the prisoner a percentage of wages earned by the prisoner PURSUANT TO SECTION 31-254. ~~The percentage shall be determined by the director except that the amount deposited shall not exceed thirty per cent of all wages earned by the prisoner.~~ The department shall continue to deposit the percentage of wages earned by the prisoner in the dedicated discharge account until the account registers a ~~fifty~~ ONE HUNDRED dollar balance OR, IF THE PRISONER IS SERVING A SENTENCE OF NATURAL LIFE, A FIFTY DOLLAR BALANCE.

B. The monies that are accumulated in the dedicated discharge account shall be distributed to the prisoner on the prisoner's discharge from the department or transfer to a community release status or to home arrest.

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

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

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

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

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

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

1. Twenty-five per cent of the prisoner's gross wages until the prisoner's dedicated discharge account registers a ~~fifty~~ ONE HUNDRED dollar balance OR, IF THE PRISONER IS SERVING A SENTENCE OF NATURAL LIFE, A FIFTY DOLLAR BALANCE.

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

3. If the prisoner was not convicted of a violation of title 28, chapter 4, five per cent of the prisoner's gross wages shall be used exclusively to fund the transition program established by section 31-281. All monies collected under this paragraph shall be deposited, pursuant to sections 35-146 and 35-147, in the transition program fund established by section 31-284.

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

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

1. Twenty-five per cent of the prisoner's gross wages until the prisoner's dedicated discharge account registers a ~~fifty~~ ONE HUNDRED dollar balance OR, IF THE PRISONER IS SERVING A SENTENCE OF NATURAL LIFE, A FIFTY DOLLAR BALANCE.

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

3. If the prisoner was not convicted of a violation of title 28, chapter 4, five per cent of the prisoner's gross wages ~~shall be used exclusively~~ to fund the transition program established by section 31-281. All monies collected under this paragraph shall be deposited, pursuant to sections 35-146 and 35-147, in the transition program fund established by section 31-284.

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

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

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

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

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

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

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

APPROVED BY THE GOVERNOR APRIL 4, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 4, 2013.

Passed the House March 27, 2013,

by the following vote: 49 Ayes,

9 Nays, 2 Not Voting

Speaker of ~~the House~~ Pro Tempore

Cheryl Larche

Chief Clerk of the House

Passed the Senate February 18, 2013,

by the following vote: 27 Ayes,

3 Nays, 0 Not Voting

President of the Senate

Charmain Bellington

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR
This Bill was received by the Governor this

3 day of April, 2013,

at 12:05 o'clock P M.

Mikhaila Howard

Secretary to the Governor

Approved this 4th day of

April, 2013;

at 3:50 o'clock P. M.

Janice K. Brewer

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 4th day of April, 2013,

at 5:00 o'clock P M.

Ken Bennett

Secretary of State

S.B. 1205