

State of Arizona  
Senate  
Fifty-second Legislature  
First Regular Session  
2015

CHAPTER 133

Senate Engrossed  
**FILED**  
**MICHELE REAGAN**  
**SECRETARY OF STATE**

## **SENATE BILL 1002**

AN ACT

AMENDING SECTION 31-254, ARIZONA REVISED STATUTES; RELATING TO PRISONER  
COMPENSATION.

(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 ONE DOLLAR fifty cents per hour  
14 unless the prisoner is employed in an Arizona correctional industries program  
15 pursuant to title 41, chapter 11, article 3. If the director enters into a  
16 contract pursuant to section 41-1624.01 with a private person, firm,  
17 corporation or association the director shall prescribe prisoner compensation  
18 of at least two dollars per hour. Compensation shall not be paid to  
19 prisoners for attendance at educational training or treatment programs, but  
20 compensation may be paid for work training programs.

21 B. Whenever a price is fixed for any article, material, supply or  
22 service 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~~ PERCENT of the prisoner's gross wages until  
32 the prisoner's dedicated discharge account registers a one hundred dollar  
33 balance or, if the prisoner is serving a sentence of natural life, a fifty  
34 dollar balance.

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

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

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

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

8 1. Twenty-five ~~per-cent~~ PERCENT of the prisoner's gross wages until  
9 the prisoner's dedicated discharge account registers a one hundred dollar  
10 balance or, if the prisoner is serving a sentence of natural life, a fifty  
11 dollar balance.

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

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

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

22 5. Thirty ~~per-cent~~ PERCENT of the prisoner's wages for court ordered  
23 dependent 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 B.

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

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

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

36 J. This section is not intended to restore, in whole or in part, the  
37 civil rights of any prisoner. A prisoner who is compensated under this  
38 section shall not be considered to be an employee of or employed by this  
39 state, the department or any private person, firm, corporation or association  
40 engaged in a contract pursuant to section 41-1624.01, and the prisoner does  
41 not come within any of the provisions of the workers' compensation provided  
42 in title 23, chapter 6 and is not entitled to any benefits under title 23,  
43 chapter 6 whether on behalf of the prisoner or of any other person. This  
44 subsection does not apply to prisoners who are employed pursuant to a  
45 federally certified prison industry enhancement program established pursuant  
46 to section 41-1674.

APPROVED BY THE GOVERNOR <sup>2</sup> APRIL 1, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 2, 2015.

Passed the House March 24, 2015,

by the following vote: 42 Ayes,

16 Nays, 2 Not Voting

D. G. [Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

Passed the Senate January 29, 2015,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this  
26th day of March, 2015,

at 3:28 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 1st day of

April, 2015,

at 2:42 o'clock P. M.

[Signature]  
Governor of Arizona

S.B. 1002

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this 2 day of April, 2015,

at 9:00 o'clock A M.

[Signature]  
Secretary of State