

Senate Engrossed

FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 311

SENATE BILL 1247

AN ACT

AMENDING TITLE 41, CHAPTER 11, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1604.18; 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. Title 41, chapter 11, article 1, Arizona Revised Statutes,
3 is amended by adding section 41-1604.18, to read:

4 41-1604.18. Community reentry work program; eligibility; victim
5 notification; compensation; violation;
6 classification; program termination

7 A. THE DIRECTOR MAY AUTHORIZE AN ELIGIBLE INMATE WHO IS WITHIN NINETY
8 DAYS OF THE INMATE'S EARLIEST RELEASE DATE TO PARTICIPATE IN A COMMUNITY
9 REENTRY WORK PROGRAM. THE DIRECTOR SHALL ADOPT RULES TO IMPLEMENT THE
10 COMMUNITY REENTRY WORK PROGRAM, INCLUDING ELIGIBILITY CRITERIA FOR THE
11 SELECTION OF INMATES. TO BE ELIGIBLE, AT A MINIMUM, THE INMATE MUST:

12 1. NOT HAVE BEEN CONVICTED AT ANY TIME OF ANY OF THE FOLLOWING:

13 (a) A VIOLATION OF TITLE 13, CHAPTER 13, 14 OR 17.

14 (b) A VIOLENT CRIME AS DEFINED IN SECTION 13-901.03.

15 (c) A DANGEROUS CRIME AGAINST CHILDREN AS DEFINED IN SECTION 13-705.

16 2. NOT CURRENTLY BE SERVING A SENTENCE FOR A DOMESTIC VIOLENCE OFFENSE
17 PURSUANT TO SECTION 13-3601.

18 3. BE CLASSIFIED BY THE DEPARTMENT AS A LOW RISK TO THE COMMUNITY.

19 4. NOT HAVE ANY FELONY DETAINERS OR UNITED STATES IMMIGRATION AND
20 CUSTOMS ENFORCEMENT DETAINERS.

21 5. NOT HAVE PREVIOUSLY ESCAPED OR ATTEMPTED TO ESCAPE FROM A SECURE OR
22 NONSECURE JAIL OR PRISON FACILITY OR ENVIRONMENT.

23 6. HAVE MADE SATISFACTORY PROGRESS ON THE INMATE'S INDIVIDUALIZED
24 CORRECTIONS PLAN AS DETERMINED BY THE DEPARTMENT.

25 7. HAVE MAINTAINED CIVIL BEHAVIOR WHILE INCARCERATED AS DETERMINED BY
26 THE DEPARTMENT.

27 8. BE CURRENT ON ANY RESTITUTION PAYMENTS ORDERED BY A COURT PURSUANT
28 TO SECTION 13-603.

29 9. HAVE A NEED AND ABILITY TO BENEFIT FROM A COMMUNITY REENTRY WORK
30 PROGRAM AS DETERMINED BY THE DEPARTMENT.

31 B. THE DEPARTMENT MUST NOTIFY AND AFFORD AN OPPORTUNITY TO BE HEARD TO
32 THE VICTIM OF THE OFFENSE FOR WHICH THE INMATE IS INCARCERATED IF THE VICTIM
33 HAS PROVIDED A CURRENT ADDRESS OR OTHER CONTACT INFORMATION. THE NOTICE MUST
34 INCLUDE THE NAME OF THE INMATE, THE OFFENSE FOR WHICH THE INMATE WAS
35 SENTENCED, THE LENGTH OF THE SENTENCE AND THE DATE OF ADMISSION TO THE
36 CUSTODY OF THE DEPARTMENT. THE NOTICE MUST INFORM THE VICTIM OF THE VICTIM'S
37 RIGHT TO SUBMIT A WRITTEN STATEMENT TO THE DIRECTOR EXPRESSING THE VICTIM'S
38 OPINION ON THE INMATE'S PARTICIPATION IN THE COMMUNITY REENTRY WORK PROGRAM
39 WITHIN TWENTY DAYS AFTER THE DEPARTMENT HAS MAILED THE NOTICE TO THE VICTIM.

40 C. AN INMATE WHO PARTICIPATES IN THE COMMUNITY REENTRY WORK PROGRAM
41 MUST:

42 1. COMPLY WITH ALL COMMUNITY REENTRY WORK PROGRAM RULES AND ANY OTHER
43 TERMS AND CONDITIONS THAT THE DIRECTOR REQUIRES.

44 2. MAINTAIN GAINFUL EMPLOYMENT.

45 3. CONTINUE TO MAKE ANY COURT ORDERED RESTITUTION PAYMENTS.

1 4. AGREE TO PROVIDE ALL COMPENSATION THAT THE INMATE RECEIVES WHILE
2 PARTICIPATING IN THE PROGRAM TO THE DEPARTMENT FOR DEPOSIT IN THE INMATE'S
3 ACCOUNT.

4 D. THE DIRECTOR MAY REMOVE AN INMATE FROM THE COMMUNITY REENTRY WORK
5 PROGRAM IF THE DIRECTOR DETERMINES THAT THE INMATE HAS FAILED TO COMPLY WITH
6 ANY PROGRAM RULE, TERM OR CONDITION OR THAT THE BEST INTERESTS OF THE STATE
7 WOULD BE SERVED BY REMOVING THE INMATE FROM THE COMMUNITY REENTRY WORK
8 PROGRAM.

9 E. SECTIONS 31-254 AND 41-1624.01 DO NOT APPLY TO THE COMPENSATION
10 THAT AN INMATE EARNS WHILE IN THE COMMUNITY REENTRY WORK PROGRAM. THE
11 DEPARTMENT IS AUTHORIZED TO CHARGE AND COLLECT A PERCENTAGE OF THE INMATE'S
12 COMPENSATION, AS DETERMINED BY THE DIRECTOR, FOR THE COST OF THE INMATE'S
13 ROOM AND BOARD. THE DIRECTOR MAY DEDUCT MONIES FROM THE INMATE'S ACCOUNT TO
14 PAY RESTITUTION, COSTS AND FINES THAT ARE OWED BY THE INMATE.

15 F. AN INMATE WHO IS ABSENT WITHOUT LEAVE FROM A FACILITY IN THE
16 COMMUNITY REENTRY WORK PROGRAM IS GUILTY OF A CLASS 5 FELONY. THE SENTENCE
17 FOR A VIOLATION OF THIS SECTION SHALL BE SERVED CONSECUTIVELY PURSUANT TO
18 SECTION 13-711, SUBSECTION B.

19 G. THE PROGRAM ESTABLISHED BY THIS SECTION ENDS ON JULY 1, 2026
20 PURSUANT TO SECTION 41-3102.

APPROVED BY THE GOVERNOR MAY 17, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 18, 2016.

Passed the House May 6, 2016,

Passed the Senate February 15, 2016,

by the following vote: 53 Ayes,

by the following vote: 28 Ayes,

0 Nays, 7 Not Voting

0 Nays, 2 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
6th day of May, 2016,

at 5:56 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 17th day of

May, 2016,

at 5:12 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 18th day of May, 2016

at 10:20 o'clock A M.

[Signature]
Secretary of State

S.B. 1247