



DOUGLAS A. DUCEY
GOVERNOR

STATE OF ARIZONA
OFFICE OF THE GOVERNOR

EXECUTIVE OFFICE

May 16, 2018

The Honorable Michele Reagan
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 2nd Regular Session, which I signed on May 16, 2018:

- HB 2088 pupils; concussions; parental notification (Carter)
- HB 2197 health professionals; workforce data (Carter)
- HB 2209 internet protocol; corporation commission (Grantham)
- HB 2212 firearm possession; peace officers; definition (Thorpe)
- HB 2235 dental therapy; regulation; licensure (Thorpe)
- HB 2253 schools; exchange teachers; employment duration (Carter)
- HB 2307 scrap vehicles; sales (Campbell)
- HB 2310 underground storage tanks; reimbursement claims (Bowers)
- HB 2324 community health workers; voluntary certification (Carter)
- HB 2356 juvenile court; jurisdiction; age (Bowers)
- HB 2383 HOV lanes; emergency vehicles (Clodfelter)
- HB 2384 unlawful flight; vehicle impoundment (Clodfelter)
- HB 2414 state employee health plan; incentives (Kern)
- HB 2416 appropriation; study; prime contracting classification (Cobb)
- HB 2422 personal delivery devices (Townsend)
- HB 2455 commercial vehicles definition; driver licenses (Cook)
- HB 2510 auto dealers; task force; fund (John)

HB 2520 schools; reading requirement (Coleman)
HB 2522 traffic violations; penalties (Syms)
HB 2526 career technical education districts (Clodfelter)
HB 2527 ticket surcharge; public safety equipment (Clodfelter)
HB 2529 assisted living; referrals; disclosure (Campbell)
HB 2532 occupational regulation; municipalities; counties; hearings (Payne)
HB 2534 teachers; certification requirements (Carter)
HB 2538 U.S. House vacancy; special election (Coleman)
HB 2564 court fees; EORP; state contribution (Livingston)
HB 2589 department of gaming omnibus (Cook)
HB 2596 property taxes; procedures; abatement (Toma)
HB 2648 ballot measures; paid circulator definition (Leach)
HB 2649 public meetings; recordings; posting; definition (Grantham)
HB 2650 commercial license; defensive driving school (Toma)
HB 2651 landlord tenant; security deposits (Toma)
HB 2652 electric bicycles; definition; use (Allen, J.)
HB 2653 expenditure limitation; waiver of penalties (Cobb)
HB 2654 illegal substances education; partnership (Thorpe)
HB 2655 real estate licenses; online classes (Mosley)
HB 2656 electronic wills and trusts (Leach)
HB 2657 interscholastic activities; health dangers; information (Carter)
SB 1039 appropriation; Arizona water protection fund (Griffin)
SB 1140 certificates of authority; video service (Griffin)
SB 1167 merit council; law enforcement qualifications (Griffin)
SB 1181 corporation commission; railway safety inspectors (Griffin)
SB 1245 appropriation; SNAP; benefit match; produce (Brophy McGee)
SB 1254 school district consolidation (Allen, S.)
SB 1271 construction liability; apportionment; study (Fann)
SB 1273 administrative proceedings; rules; contested cases (Petersen)
SB 1293 department of revenue; administrative efficiency (Farnsworth, D.)
SB 1296 government communications; emergency response interpreters (Bowie)
SB 1398 unemployment; return-to-work program; suitable work (Smith)
SB 1409 TPT; prime contracting; alteration; replacement (Fann)
SB 1476 county sheriff; reentry planning; appropriation (Gray)
SB 1478 employer contributions; EORP (Fann)
SB 1496 prisoners; drug sentences; out-of-custody treatment (Smith)
SB 1498 AZPOST; membership; training; AMBER alert (Smith)

SB 1504 developmental disability rates; appropriation (Smith)

Sincerely,

A handwritten signature in black ink that reads "Douglas A. Ducey". The signature is written in a cursive style with a large initial 'D' and a long, sweeping tail.

Douglas A. Ducey
Governor
State of Arizona

cc: Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

House Engrossed Senate Bill

FILED

MICHELE REAGAN

SECRETARY OF STATE

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 344

SENATE BILL 1496

AN ACT

AMENDING SECTION 31-281, ARIZONA REVISED STATUTES; AMENDING LAWS 2017,
CHAPTER 286, SECTION 1; 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 31-281, Arizona Revised Statutes, is amended to
3 read:

4 31-281. Transition program; report; definition

5 A. The department shall establish a transition program that
6 provides eligible inmates with transition services in the community for up
7 to ninety days. The department shall administer the transition program
8 and contract with private or nonprofit entities to provide eligible
9 inmates with transition services and shall procure transition services
10 pursuant to title 41, chapter 23.

11 B. The director shall adopt rules to implement this article. The
12 rules shall include:

13 1. Eligibility criteria for receiving a contracted entity's
14 transition services. To be eligible, at a minimum, an inmate shall:

15 (a) Not have been convicted of a sexual offense pursuant to title
16 13, chapter 14 or a violation of title 13, chapter 17.

17 (b) Be classified by the state department of corrections as a low
18 violence risk to the community.

19 (c) Not have been convicted of a violent crime as defined in
20 section 13-901.03 or a domestic violence offense pursuant to section
21 13-3601.

22 (d) Not have any felony detainers.

23 (e) Agree in writing to provide specific information after the
24 inmate is released. The department shall use the information to prepare
25 the report prescribed by subsection D, paragraph 3 of this section.

26 (f) Have made satisfactory progress by complying with all
27 programming on the inmate's individualized corrections plan as determined
28 by the department.

29 (g) Be classified by the department as minimum or medium custody as
30 determined by an objective risk assessment.

31 (h) Not have been found in violation of any major violent rule
32 during the inmate's current period of incarceration or in violation of any
33 other major rule within the previous six months. For the purposes of this
34 subdivision, an accumulation of minor rule violations does not equal a
35 major rule violation.

36 2. A requirement that each contracted entity train mentors or
37 certify that mentors are trained.

38 3. A requirement that the services offered to an inmate include
39 psychoeducational counseling and case management services as determined by
40 the department. The counseling and services may include substance abuse
41 treatment, anger management, cognitive behavioral therapy, parenting
42 skills and family reunification training, further education and job
43 placement.

44 4. A requirement that an inmate may be released pursuant to this
45 article only after the victim has been provided notice and an opportunity

1 to be heard. The department shall provide notice to a victim who has
2 provided a current address or other contact information. The notice shall
3 inform the victim of the opportunity to be heard on the early
4 release. Any objection to the inmate's early release must be made within
5 twenty days after the department has mailed the notice to the victim.

6 C. In awarding contracts under this section the department shall
7 comply with section 41-3751.

8 D. The department shall:

9 1. Conduct an annual study to determine the recidivism rate of
10 inmates who receive a contracted entity's services pursuant to this
11 article. The study shall include the recidivism rate of inmates who have
12 been released from incarceration for a minimum of three years after
13 release.

14 2. Evaluate the inmate and provide the information to the
15 contracted entity.

16 3. Submit a written report to the governor, the president of the
17 senate and the speaker of the house of representatives on or before July
18 31 of each year and provide a copy of this report to the secretary of
19 state. The report may be submitted electronically. The report shall
20 contain the following information:

21 (a) The recidivism rate of inmates who receive services pursuant to
22 this article, including the recidivism rate of inmates who have been
23 released from incarceration for a minimum of three years after release.

24 (b) The number of inmates who received services pursuant to this
25 article.

26 (c) The number of inmates who were not provided services pursuant
27 to this article and who were on a list waiting to receive services.

28 (d) The types of services provided.

29 (e) The number of inmates who received each type of service
30 provided.

31 4. Provide information about the transition program to all inmates
32 who are not serving a life sentence on admission to prison and to any
33 inmate who is potentially eligible for the transition program six months
34 before the inmate's eligibility date. The information must include all of
35 the admission requirements to the transition program, including the
36 disqualifying factors under this section.

37 E. NOTWITHSTANDING SUBSECTION B, PARAGRAPH 1 OF THIS SECTION, IF AN
38 INMATE HAS BEEN CONVICTED OF THE POSSESSION OR USE OF MARIJUANA PURSUANT
39 TO SECTION 13-3405, SUBSECTION A, PARAGRAPH 1, POSSESSION OR USE OF A
40 DANGEROUS DRUG PURSUANT TO SECTION 13-3407, SUBSECTION A, PARAGRAPH 1,
41 POSSESSION OR USE OF A NARCOTIC DRUG PURSUANT TO SECTION 13-3408,
42 SUBSECTION A, PARAGRAPH 1 OR POSSESSION OR USE OF DRUG PARAPHERNALIA
43 PURSUANT TO SECTION 13-3415, SUBSECTION A AND THE INMATE IS NOT
44 CONCURRENTLY SERVING ANOTHER SENTENCE FOR AN OFFENSE THAT IS NOT LISTED IN
45 THIS SUBSECTION, THE INMATE IS ELIGIBLE FOR AND SHALL BE RELEASED TO ENTER

1 THE TRANSITION PROGRAM. THE DIRECTOR MAY NOT EXCLUDE AN INMATE WHO IS
2 ELIGIBLE FOR THE TRANSITION PROGRAM PURSUANT TO THIS SUBSECTION BECAUSE
3 THE INMATE DOES NOT HAVE A PLACE TO RESIDE BEFORE BEING RELEASED, EXCEPT
4 THAT THE DIRECTOR SHALL EXCLUDE AN INMATE WHO HAS ANY OF THE FOLLOWING:

5 1. PREVIOUSLY BEEN CONVICTED OF A VIOLENT CRIME AS DEFINED IN
6 SECTION 13-901.03 OR AN OFFENSE LISTED IN TITLE 13, CHAPTER 14 OR 35.1.

7 2. A FELONY DETAINER.

8 3. BEEN FOUND TO BE IN VIOLATION OF A MAJOR VIOLENT RULE DURING THE
9 INMATE'S CURRENT PERIOD OF INCARCERATION OR TO BE IN VIOLATION OF ANY
10 OTHER MAJOR RULE WITHIN THE PREVIOUS SIX MONTHS. FOR THE PURPOSES OF THIS
11 PARAGRAPH, AN ACCUMULATION OF MINOR RULE VIOLATIONS DOES NOT EQUAL A MAJOR
12 RULE VIOLATION.

13 4. PREVIOUSLY BEEN RELEASED PURSUANT TO THIS SECTION AND VIOLATED A
14 TERM OF THE INMATE'S RELEASE.

15 ~~F.~~ F. For the purposes of this section, "recidivism" means
16 reincarceration in the department for any reason.

17 Sec. 2. Laws 2017, chapter 286, section 1 is amended to read:

18 Section 1. Appropriation; felony pretrial intervention
19 programs; exemption

20 A. The sum of \$2,750,000 is appropriated from the following funds
21 in the following amounts in fiscal year 2017-2018 to the Arizona criminal
22 justice commission:

23 1. \$1,000,000 from the penitentiary land fund established by
24 section 37-525, Arizona Revised Statutes.

25 2. \$1,000,000 from the state charitable, penal and reformatory
26 institutions land fund established by section 37-525, Arizona Revised
27 Statutes.

28 3. \$750,000 from the inmate store proceeds fund established by
29 section 41-1604.02, Arizona Revised Statutes.

30 B. The Arizona criminal justice commission shall proportionately
31 distribute the monies to county attorney offices that are located in
32 counties with a population of less than three million persons for the
33 purpose of administering felony pretrial intervention programs. Monies
34 received pursuant to this appropriation may be used only for felony
35 pretrial intervention programs administered by the respective county
36 attorney offices, except that the Arizona criminal justice commission may
37 spend up to one percent of the monies for administrative expenses. Felony
38 pretrial intervention programs shall provide substance abuse treatment
39 including medically assisted treatment with mandatory drug testing when
40 appropriate, cognitive behavioral therapy and case management services as
41 appropriate for nondangerous, ~~nonrepetitive~~ offenders. The county
42 attorney may place persons WHO ARE REPEAT OFFENDERS OR who have
43 co-occurring disorders in a felony pretrial intervention program that is
44 funded pursuant to this section. The county attorney shall require each
45 felony pretrial intervention program treatment provider to provide the

1 county attorney with a report on each offender's attendance record and
2 whether an offender fails a drug test.

3 C. The appropriation made in subsection A of this section is exempt
4 from the provisions of section 35-190, Arizona Revised Statutes, relating
5 to lapsing of appropriations.

APPROVED BY THE GOVERNOR MAY 16, 2018

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 16, 2018

Passed the House MAY 3, 20 18,

Passed the Senate February 27, 2018,

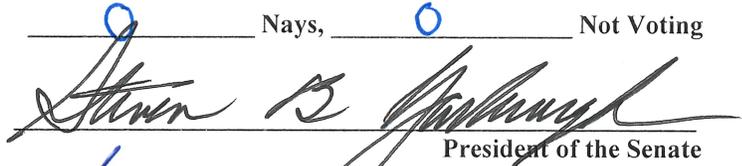
by the following vote: 55 Ayes,

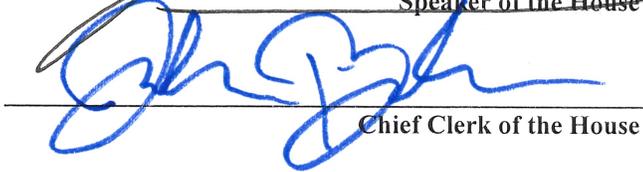
by the following vote: 30 Ayes,

3 Nays, 2 Not Voting

0 Nays, 0 Not Voting


Speaker of the House


President of the Senate


Chief Clerk of the House


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

**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

S.B. 1496

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate May 3, 2018

by the following vote: 29 Ayes,

0 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

4th day of May, 2018

at 11:14 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 10th day of

May 2018

at 9:39 o'clock A. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 16 day of May, 2018

at 4:34 o'clock P. M.

[Signature]
Secretary of State