



STATE OF ARIZONA  
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY  
GOVERNOR

EXECUTIVE OFFICE

March 23, 2018

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

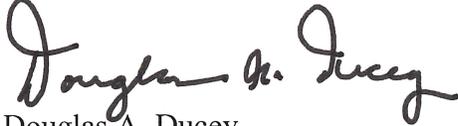
Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 2<sup>nd</sup> Regular Session, which I signed on March 23, 2018:

SB 1022 DHS; homemade food products (Farnsworth, D.)  
SB 1045 home inspectors (Kavanagh)  
SB 1052 county flood control districts; easements (Griffin)  
SB 1063 produce safety rule; state administration (Griffin)  
SB 1077 fund solicitations; charities; unlawful acts (Barto)  
SB 1097 unclaimed property; notice; publication; claims (Petersen)  
SB 1142 private land acquisition; committee; continuation (Griffin)  
SB 1144 conservation easements; notice; valuation (Griffin)  
SB 1182 conservation districts; additional directors (Griffin)  
SB 1198 blind persons' rights; adoption; custody (Barto)  
SB 1246 behavioral health board (Barto)  
SB 1249 campaign finance violations; appeals (Burgess)  
SB 1255 teachers; alternative performance evaluations (Allen, S.)  
SB 1256 school bus definition; vans (Allen, S.)  
SB 1412 unclaimed property; electric cooperatives; credits (Griffin)  
HB 2005 public service corporations; penalties (Leach)  
HB 2007 evasion; crime; personal disguises (Lawrence)  
HB 2017 state land department; continuation (Mitchell)  
HB 2045 acupuncture board; continuation (Carter)  
HB 2124 life and disability insurance; insolvencies (Livingston)  
HB 2151 joint powers; fire protection services (John)  
HB 2167 Arizona commerce authority; continuation; requirements (Weninger)

HB 2180 fire district budget hearings (Coleman)  
HB 2185 school districts; tax levy; calculation (Norgaard)  
HB 2189 prisoners; dedicated discharge account; use (Boyer)  
HB 2215 veterinary medical examining board; continuation (Barton)  
HB 2256 podiatrists; examination; repeal (Carter)  
HB 2331 state lottery; multijurisdictional games (Weninger)  
HB 2385 property tax appeals; court findings (Clodfelter)

Sincerely,

A handwritten signature in black ink that reads "Douglas A. Ducey". The signature is written in a cursive, flowing style.

Douglas A. Ducey  
Governor  
State of Arizona

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

House Engrossed

**FILED**

**MICHELE REAGAN**

**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-third Legislature  
Second Regular Session  
2018

**CHAPTER 69**

**HOUSE BILL 2189**

AN ACT

AMENDING SECTIONS 31-228, 31-237 AND 31-254, ARIZONA REVISED STATUTES;  
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 31-228, Arizona Revised Statutes, is amended to  
3 read:

4 31-228. Procedure for discharge of prisoner; return of  
5 property; furnishing money, clothing and  
6 transportation ticket; allowing hair to grow before  
7 discharge

8 A. When a prisoner is released conditionally on parole, community  
9 supervision or probation if the court waived community supervision  
10 pursuant to section 13-603 or is discharged from a facility of the state  
11 department of corrections there shall be returned to the prisoner  
12 everything of value taken on commitment to the state department of  
13 corrections, or thereafter received by the prisoner, unless the item is  
14 contraband as defined in section 13-2501.

15 B. In addition to items returned pursuant to subsection A of this  
16 section, all monies accumulated in a prisoner's dedicated discharge  
17 account shall be furnished to every prisoner who is paroled, released on  
18 community supervision, released on probation if the court waived community  
19 supervision pursuant to section 13-603 or discharged from the state  
20 department of corrections. Except for prisoners who are committed to the  
21 department as a condition of probation, prisoners who have immediately  
22 available financial resources in excess of two hundred fifty dollars or  
23 prisoners who were previously paroled, released on community supervision,  
24 released on probation if the court waived community supervision pursuant  
25 to section 13-603 or discharged from the state department of corrections,  
26 if a prisoner has accumulated less than fifty dollars in the prisoner's  
27 dedicated discharge account, the monies accumulated in the account shall  
28 be furnished to the prisoner on the prisoner's parole or discharge, and  
29 the state department of corrections shall furnish the difference up to  
30 fifty dollars. The department may furnish the monies to a prisoner who is  
31 released to the community on a stored value card, smart card or other  
32 instrument or device that enables a person to obtain goods, services or  
33 anything else of value through the use of value stored on the instrument  
34 or device.

35 C. A paroled prisoner, a prisoner who is released on community  
36 supervision or probation if the court waived community supervision  
37 pursuant to section 13-603 or a prisoner who is discharged may be  
38 furnished a nontransferable ticket on a railroad or bus serving at or near  
39 the place of release to the first railroad, bus station or ticket office  
40 beyond the limits of the state in any direction. If the ticket is not  
41 used within three days after the date of discharge, unless prevented by  
42 illness, it shall be void.

43 D. Notwithstanding subsection B of this section, the department  
44 shall furnish clothing not exceeding thirty-five dollars in cost to each  
45 prisoner who is paroled, discharged, released on community supervision or

1 released on probation if the court waived community supervision pursuant  
2 to section 13-603.

3 E. One month before the date of discharge, the prisoner shall be  
4 permitted to allow the prisoner's hair to grow.

5 F. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, PRIOR TO DISCHARGE  
6 THE DEPARTMENT SHALL WITHDRAW FROM THE PRISONER'S DEDICATED DISCHARGE  
7 ACCOUNT ANY APPLICABLE FEES PRESCRIBED BY TITLE 28 OR THE ARIZONA  
8 DEPARTMENT OF TRANSPORTATION'S ADMINISTRATIVE RULES FOR THE ISSUANCE OF  
9 EITHER A STATE DRIVER LICENSE OR A NONOPERATING IDENTIFICATION LICENSE TO  
10 THE PRISONER, IF ELIGIBLE.

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

13 31-237. Dedicated discharge accounts

14 A. Each wage earning prisoner who is committed to the department  
15 shall deposit into a dedicated discharge account of the prisoner a  
16 percentage of wages earned by the prisoner pursuant to section 31-254.  
17 The department shall continue to deposit the percentage of wages earned by  
18 the prisoner in the dedicated discharge account until the account  
19 registers a ~~one~~ TWO hundred FIFTY dollar balance or, if the prisoner is  
20 serving a sentence of natural life, a fifty dollar balance.

21 B. The monies that are accumulated in the dedicated discharge  
22 account shall be distributed to the prisoner on the prisoner's discharge  
23 from the department or transfer to a community release status or to home  
24 arrest, EXCEPT THAT THE PRISONER MAY USE MONIES IN THE ACCOUNT BEFORE THE  
25 PRISONER IS DISCHARGED OR TRANSFERRED FOR ITEMS AND SERVICES THAT THE  
26 PRISONER WILL REQUIRE IMMEDIATELY AFTER BEING RELEASED OR TRANSFERRED.

27 C. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, PRIOR TO DISCHARGE  
28 THE DEPARTMENT SHALL WITHDRAW FROM THE PRISONER'S DEDICATED DISCHARGE  
29 ACCOUNT ANY APPLICABLE FEES PRESCRIBED BY TITLE 28 OR THE ARIZONA  
30 DEPARTMENT OF TRANSPORTATION'S ADMINISTRATIVE RULES FOR THE ISSUANCE OF  
31 EITHER A STATE DRIVER LICENSE OR A NONOPERATING IDENTIFICATION LICENSE TO  
32 THE PRISONER, IF ELIGIBLE.

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

35 31-254. Compensation for labor performed; price of prison  
36 made articles; distribution of earnings; workers'  
37 compensation

38 A. Each prisoner who is engaged in productive work in any state  
39 prison or institution under the jurisdiction of the department or a  
40 private prison under contract with the department as a part of the prison  
41 industries program shall receive for the prisoner's work the compensation  
42 that the director determines. The compensation shall be in accordance  
43 with a graduated schedule based on quantity and quality of work performed  
44 and skill required for its performance but shall not exceed one dollar  
45 fifty cents per hour unless the prisoner is employed in an Arizona

1 correctional industries program pursuant to title 41, chapter 11, article  
2 3. If the director enters into a contract pursuant to section 41-1624.01  
3 with a private person, firm, corporation or association the director shall  
4 prescribe prisoner compensation of at least two dollars per  
5 hour. Compensation shall not be paid to prisoners for attendance at  
6 educational training or treatment programs, but compensation may be paid  
7 for work training programs.

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

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

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

18 1. Twenty-five percent of the prisoner's gross wages until the  
19 prisoner's dedicated discharge account registers a ~~one~~ TWO hundred FIFTY  
20 dollar balance or, if the prisoner is serving a sentence of natural life,  
21 a fifty dollar balance.

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

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

31 4. Thirty percent of the prisoner's wages for court ordered  
32 dependent care.

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

40 1. Twenty-five percent of the prisoner's gross wages until the  
41 prisoner's dedicated discharge account registers a ~~one~~ TWO hundred FIFTY  
42 dollar balance or, if the prisoner is serving a sentence of natural life,  
43 a fifty dollar balance.

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

4           3. If the prisoner was not convicted of a violation of title 28,  
5 chapter 4, five percent of the prisoner's gross wages to fund the  
6 transition program established by section 31-281. All monies collected  
7 under this paragraph shall be deposited, pursuant to sections 35-146 and  
8 35-147, in the transition program fund established by section 31-284.

9           4. Thirty percent of the prisoner's wages for the room and board  
10 costs of maintaining the prisoner at the facility.

11           5. Thirty percent of the prisoner's wages for court ordered  
12 dependent care.

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

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

20           H. Any monies not expended from the contributing prisoner's trust  
21 fund or retention account for the purposes prescribed in subsection E of  
22 this section shall be paid to the prisoner on release pursuant to section  
23 31-228.

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

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

39           Sec. 4. Emergency

40           This act is an emergency measure that is necessary to preserve the  
41 public peace, health or safety and is operative immediately as provided by  
42 law.

**APPROVED BY THE GOVERNOR MARCH 23, 2018**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 23, 2018**

Passed the House February 8, 20 18

Passed the Senate March 19, 20 18

by the following vote: 57 Ayes,

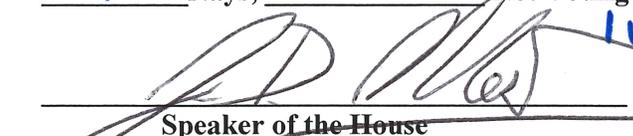
by the following vote: 29 Ayes,

*with Emergency*

1 Nays, 1 Not Voting

0 Nays, 1 Not Voting

*1 vacant*

  
Speaker of the House

  
President of the Senate

Pro Tempore

  
Chief Clerk of the House

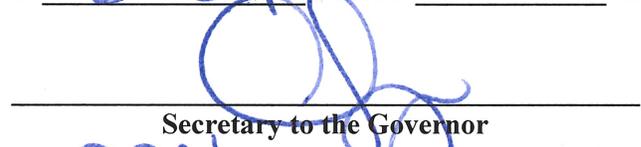
  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

20<sup>th</sup> day of March, 20 18

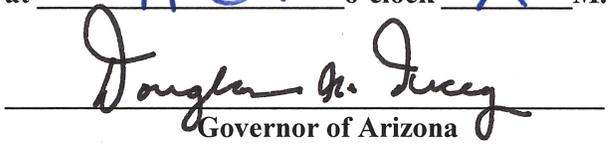
at 2:09 o'clock P. M.

  
Secretary to the Governor

Approved this 23<sup>rd</sup> day of

March 2018

at 11:01 o'clock A M.

  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 23 day of March, 20 18

at 4:45 o'clock P. M.

  
Secretary of State

H.B. 2189