



STATE OF ARIZONA
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY
GOVERNOR

EXECUTIVE OFFICE

March 22, 2019

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

Dear Secretary Hobbs:

I am transmitting to you the following bills from the Fifty-fourth Legislature, 1st Regular Session, which I signed on March 22nd, 2019:

SB 1004 insurance; surplus lines; reports; payments (Livingston)
SB 1006 internationally active insurance groups; supervision (Livingston)
SB 1008 insurance; prohibited inducements; exceptions (Livingston)
SB 1021 commission for postsecondary education; continuation (S. Allen)
SB 1052 certificates of title; applications (Livingston)
SB 1072 early voting centers; identification required (Ugenti-Rita)
SB 1093 prisoner accounts; use; ADOT credentialing. (Livingston)
SB 1113 insurance; information practices (Livingston)
SB 1212 prepaid legal insurance contracts; definition (Livingston)
SB 1218 beneficiary deeds; separate property; nonlapse (Leach)
SB 1309 renewal of judgments; applicability (E. Farnsworth)
SB 1317 bodily fluids exposure; testing (Boyer)
SB 1333 real estate appraisal (Mesnard)
SB 1474 POW/MIA flag; display (Contreras)
HB 2004 nuclear management fund; appropriation; assessment (Kavanagh)
HB 2007 ASRS; political subdivision plans; adjustments (Kavanagh)
HB 2009 navigable stream adjudication commission; extension (Griffin)
HB 2023 political signs; ballot measures; tampering (Kavanagh)
HB 2112 community property award; convicted spouse (Griffin)
HB 2230 writ of garnishment; certified mail (J. Allen)
HB 2284 credit unions; declaration of purpose (Weninger)
HB 2363 tax lien sales; procedures (Toma)
HB 2421 animal cruelty; working animal; harassment (Blackman)
HB 2463 occupational regulations; licenses; communications; notice (Petersen)

HB2464 water infrastructure finance; municipal approval (Shope)

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

Senate Engrossed
FILED
KATIE HOBBS
SECRETARY OF STATE

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 16
SENATE BILL 1093

AN ACT

AMENDING SECTIONS 31-201.01, 31-228, 31-230 AND 31-237, 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 31-201.01, Arizona Revised Statutes, is amended
3 to read:

4 31-201.01. Duties of the director; tort actions; medical
5 treatment costs; state immunity; definitions

6 A. The director shall hold in custody all persons WHO ARE sentenced
7 to the department under the law and shall hold such persons for the term
8 directed by the court, subject to law.

9 B. In addition to the medical and health services to be provided
10 pursuant to subsection D of this section, the director ~~may~~, in cooperation
11 with the department of health services, MAY provide to prisoners
12 psychiatric care and treatment pursuant to sections 31-226 and 31-226.01.

13 C. The director may institute and pursue programs ~~which~~ THAT
14 promote the rehabilitation of the prisoners in the director's charge.

15 D. The director shall provide medical and health services for the
16 prisoners. The director may contract for professional services to assist
17 the director in carrying out this responsibility on behalf of the state,
18 ~~provided~~ EXCEPT that all records made and retained in connection with the
19 services provided by this subsection shall be made and retained only by
20 duly authorized or qualified medical and professional personnel and not by
21 any prisoner. Such records when not in use shall be retained in a safe
22 and secure place.

23 E. If a victim of a person for whom a cost of incarceration has
24 been calculated notifies the state that full restitution has not been made
25 by the person for whom a cost of incarceration has been calculated, the
26 state shall interplead with the superior court the disputed amount and set
27 off the amounts owed the state from the remaining obligation.

28 F. Any and all causes of action ~~which~~ THAT may arise out of tort
29 caused by the director, prison officers or employees of the department,
30 within the scope of their legal duty, shall run only against the state.

31 G. The director shall establish by rule reasonable medical and
32 health service fees for the medical and health services that are provided
33 pursuant to subsection D of this section. Except as provided in
34 subsection I of this section, every inmate shall be charged a reasonable
35 medical and health services fee for each medical visit an inmate makes
36 pursuant to a health needs request form or for emergency treatment.

37 H. Except as provided in subsection I of this section, the director
38 may charge each inmate a reasonable fee for prescriptions, medication or
39 prosthetic devices.

40 I. The director shall exempt the following inmates or medical
41 visits by inmates from payment of medical and health services fees and
42 fees for prescriptions, medication or prosthetic devices:

43 1. Medical visits initiated by the medical or mental health staff
44 of the department.



- 1 2. Medical visits to a physician by inmates who are referred by a
- 2 physician assistant or nurse practitioner.
- 3 3. Inmates at reception centers.
- 4 4. Juvenile inmates.
- 5 5. Pregnant inmates.
- 6 6. Seriously mentally ill inmates. For the purposes of this
- 7 paragraph, "seriously mentally ill inmates" means inmates who as a result
- 8 of a mental disorder as defined in section 36-501 exhibit emotional or
- 9 behavioral functioning which is so impaired as to interfere substantially
- 10 with their capacity to remain in the general prison population without
- 11 supportive treatment or services of a long-term or indefinite duration and
- 12 whose mental disability is severe and persistent, resulting in a long-term
- 13 limitation of their functional capacities for primary activities of daily
- 14 living, including interpersonal relationships, self-care, employment and
- 15 recreation.
- 16 7. Inmates with developmental disabilities who are housed in a
- 17 special programs unit.
- 18 8. Inmates who are housed in unit 8 at the Florence prison
- 19 facility.
- 20 9. Inmates who are inpatients at the Alhambra prison facility
- 21 special programs psychiatric hospital.
- 22 10. Inmates who are inpatients at the Flamenco prison facility
- 23 mental health treatment unit.
- 24 11. Inmates who are undergoing administrative physical examinations
- 25 for statewide driver status and fire fighting crews.
- 26 12. Inmates who are undergoing follow-up medical treatment for
- 27 chronic diseases.
- 28 J. An inmate shall not be refused medical treatment for financial
- 29 reasons.
- 30 K. All monies received by the department for medical and health
- 31 service fees shall be deposited in the general fund.
- 32 L. A person who is convicted of a felony offense and who is
- 33 incarcerated while awaiting sentence or while serving a sentence imposed
- 34 by a court of law may not bring a cause of action seeking damages or
- 35 equitable relief from the state or its political subdivisions, agencies,
- 36 officers or employees for injuries suffered while in the custody of the
- 37 state or its political subdivisions or agencies unless the complaint
- 38 alleges specific facts from which the court may conclude that the
- 39 plaintiff suffered serious physical injury or the claim is authorized by a
- 40 federal statute.
- 41 M. The director shall establish criteria for reasonable deductions
- 42 from monies credited to the prisoner's spendable account to repay the cost
- 43 of:
- 44 1. State property that the inmate wilfully damages or destroys
- 45 during the inmate's incarceration.

1 2. Medical treatment for injuries that the inmate inflicts on
2 himself or others.

3 3. Searching for and apprehending an inmate who escapes or attempts
4 to escape.

5 4. Quelling a riot or other disturbance in which the inmate is
6 unlawfully involved.

7 5. FEES PRESCRIBED BY TITLE 28 OR THE DEPARTMENT OF
8 TRANSPORTATION'S RULES FOR THE ISSUANCE OF EITHER A DRIVER LICENSE OR A
9 NONOPERATING IDENTIFICATION LICENSE TO THE INMATE, IF ELIGIBLE.

10 N. For THE purposes of this section:

11 1. "Reasonable fee" means an amount not to exceed ~~five dollars~~ \$5.

12 2. "Serious physical injury" means an impairment of physical
13 condition that creates a substantial risk of death or that causes serious
14 disfigurement, prolonged impairment of health or prolonged loss or
15 impairment of the function of any bodily organ.

16 Sec. 2. Section 31-228, Arizona Revised Statutes, is amended to
17 read:

18 31-228. Procedure for discharge of prisoner; return of
19 property; furnishing money, clothing and
20 transportation ticket; allowing hair to grow before
21 discharge

22 A. When a prisoner is released conditionally on parole, community
23 supervision or probation if the court waived community supervision
24 pursuant to section 13-603 or is discharged from a facility of the state
25 department of corrections there shall be returned to the prisoner
26 everything of value taken on commitment to the state department of
27 corrections, or thereafter received by the prisoner, unless the item is
28 contraband as defined in section 13-2501.

29 B. In addition to items returned pursuant to subsection A of this
30 section, all monies accumulated in a prisoner's dedicated discharge
31 account shall be furnished to every prisoner who is paroled, released on
32 community supervision, released on probation if the court waived community
33 supervision pursuant to section 13-603 or discharged from the state
34 department of corrections. Except for prisoners who are committed to the
35 department as a condition of probation, prisoners who have immediately
36 available financial resources in excess of ~~two hundred fifty dollars~~ \$250
37 or prisoners who were previously paroled, released on community
38 supervision, released on probation if the court waived community
39 supervision pursuant to section 13-603 or discharged from the state
40 department of corrections, if a prisoner has accumulated less than ~~fifty~~
41 ~~dollars~~ \$50 in the prisoner's dedicated discharge account, the monies
42 accumulated in the account shall be furnished to the prisoner on the
43 prisoner's parole or discharge, and the state department of corrections
44 shall furnish the difference up to ~~fifty dollars~~ \$50. The department may
45 furnish the monies to a prisoner who is released to the community on a

1 stored value card, smart card or other instrument or device that enables a
2 person to obtain goods, services or anything else of value through the use
3 of value stored on the instrument or device.

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

12 D. Notwithstanding subsection B of this section, the department
13 shall furnish clothing not exceeding ~~thirty-five dollars~~ \$35 in cost to
14 each prisoner who is paroled, discharged, released on community
15 supervision or released on probation if the court waived community
16 supervision pursuant to section 13-603.

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

19 F. Notwithstanding subsection B of this section, ~~prior to~~ BEFORE A
20 PRISONER'S discharge the STATE department OF CORRECTIONS shall withdraw
21 from the prisoner's SPENDABLE OR dedicated discharge account any
22 applicable fees prescribed by title 28 or the ~~Arizona~~ department of
23 transportation's ~~administrative~~ rules for the issuance of either a ~~state~~
24 driver license or a nonoperating identification license to the prisoner,
25 if eligible.

26 Sec. 3. Section 31-230, Arizona Revised Statutes, is amended to
27 read:

28 31-230. Prisoner spendable accounts; fees

29 A. The director shall establish a prisoner spendable account for
30 each prisoner. All monies that are received by a prisoner and that are
31 not required to be deposited in another account shall be deposited in the
32 prisoner's spendable account.

33 B. The director shall adopt rules for the disbursement of monies
34 from prisoner spendable accounts.

35 C. If the court has ordered the prisoner to pay restitution
36 pursuant to section 13-603, the director shall withdraw a minimum of
37 twenty ~~per cent~~ PERCENT, or the balance owing on the restitution amount,
38 up to a maximum of fifty ~~per cent~~ PERCENT of the monies available in the
39 prisoner's spendable account each month to pay the court ordered
40 restitution.

41 D. The director may establish by rule a fee for any deposits made
42 to a prisoner spendable account. The director shall deposit, pursuant to
43 sections 35-146 and 35-147, any monies collected pursuant to this
44 subsection in the department of corrections building renewal fund
45 established by section 41-797.

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1 E. BEFORE A PRISONER'S DISCHARGE, THE STATE DEPARTMENT OF
2 CORRECTIONS MAY WITHDRAW FROM THE PRISONER'S SPENDABLE ACCOUNT ANY
3 APPLICABLE FEES PRESCRIBED BY TITLE 28 OR THE DEPARTMENT OF
4 TRANSPORTATION'S RULES FOR THE ISSUANCE OF EITHER A DRIVER LICENSE OR A
5 NONOPERATING IDENTIFICATION LICENSE TO THE PRISONER, IF ELIGIBLE.

6 Sec. 4. Section 31-237, Arizona Revised Statutes, is amended to
7 read:

8 31-237. Dedicated discharge accounts

9 A. Each wage earning prisoner who is committed to the department
10 shall deposit into a dedicated discharge account of the prisoner a
11 percentage of wages earned by the prisoner pursuant to section 31-254.
12 The department shall continue to deposit the percentage of wages earned by
13 the prisoner in the dedicated discharge account until the account
14 registers a ~~two hundred fifty dollar~~ \$250 balance or, if the prisoner is
15 serving a sentence of natural life, a ~~fifty dollar~~ \$50 balance.

16 B. The monies that are accumulated in the dedicated discharge
17 account shall be distributed to the prisoner on the prisoner's discharge
18 from the department or transfer to a community release status or to home
19 arrest, except that the prisoner may use monies in the account before the
20 prisoner is discharged or transferred for items and services that the
21 prisoner will require immediately after being released or transferred.

22 C. Notwithstanding subsection B of this section, ~~prior to~~ BEFORE A
23 PRISONER'S discharge the STATE department ~~shall~~ OF CORRECTIONS MAY
24 withdraw from the prisoner's dedicated discharge account any applicable
25 fees prescribed by title 28 or the ~~Arizona~~ department of transportation's
26 ~~administrative~~ rules for the issuance of either a ~~state~~ driver license or
27 a nonoperating identification license to the prisoner, if eligible.

APPROVED BY THE GOVERNOR MARCH 22, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 22, 2019.

Passed the House March 14, 2019,

Passed the Senate February 6, 2019

by the following vote: 59 Ayes,

by the following vote: 30 Ayes,

0 Nays, 1 Not Voting

0 Nays, 0 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

18th day of March, 2019,

at 1:50 o'clock P M.

[Signature]
Secretary to the Governor

Approved this 22nd day of

March, 2019,

at 2:41 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 22 day of March, 2019,

at 4:01 o'clock P. M.

[Signature]
Secretary of State

S.B. 1093