

REFERENCE TITLE: community treatment program; imprisoned women

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1256

Introduced by
Senator Mesnard

AN ACT

AMENDING TITLE 41, CHAPTER 11, ARTICLE 2, ARIZONA REVISED STATUTES, BY
ADDING SECTION 41-1612; APPROPRIATING MONIES; RELATING TO THE STATE
DEPARTMENT OF CORRECTIONS.

(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 2, Arizona Revised
3 Statutes, is amended by adding section 41-1612, to read:

4 41-1612. Community treatment program for imprisoned women;
5 eligibility

6 A. THE DEPARTMENT SHALL ESTABLISH A COMMUNITY TREATMENT PROGRAM,
7 INCLUDING A COMMUNITY TREATMENT CENTER, FOR IMPRISONED WOMEN AND THEIR
8 CHILDREN. THE DEPARTMENT MAY CONTRACT WITH AN EXPERIENCED NONPROFIT
9 ENTITY TO ESTABLISH AND OPERATE A COMMUNITY TREATMENT CENTER AND MAY
10 TRANSFER A WOMAN WHO HAS RECENTLY GIVEN BIRTH OR WHO HAS A CHILD WHO IS
11 EIGHT YEARS OF AGE OR YOUNGER TO THE COMMUNITY TREATMENT CENTER TO LIVE
12 WITH HER CHILD OR CHILDREN IN THE COMMUNITY. A COMMUNITY TREATMENT
13 PROGRAM SHALL PROVIDE TRAUMA-INFORMED SUBSTANCE ABUSE TREATMENT, MENTAL
14 HEALTH TREATMENT AND THE BEST POSSIBLE CARE FOR THE WOMAN AND CHILD.

15 B. THE DEPARTMENT SHALL ADOPT RULES FOR THE COMMUNITY TREATMENT
16 PROGRAM FOR IMPRISONED WOMEN, INCLUDING THE ELIGIBILITY REQUIREMENTS FOR
17 ENTERING THE PROGRAM AND LIVING IN A COMMUNITY TREATMENT CENTER. THE
18 RULES MAY NOT ALLOW A WOMAN TO PARTICIPATE IN THE PROGRAM IF THE WOMAN IS
19 EXCLUDED PURSUANT TO SUBSECTION E OF THIS SECTION. THE DEPARTMENT SHALL
20 TAKE INTO ACCOUNT PUBLIC SAFETY AND GENERALLY ACCEPTED CORRECTIONAL
21 PRACTICES WHEN DEVELOPING AND IMPLEMENTING THE COMMUNITY TREATMENT
22 PROGRAM. A COMMUNITY TREATMENT PROGRAM SHALL PROVIDE PROGRAMS AND SUPPORT
23 SERVICES TO ASSIST MOTHERS AND CHILDREN IN DEVELOPING THE SKILLS NECESSARY
24 TO BECOME FUNCTIONING, SELF-SUFFICIENT FAMILIES THAT POSITIVELY CONTRIBUTE
25 TO SOCIETY, INCLUDING:

- 26 1. SUBSTANCE ABUSE TREATMENT.
- 27 2. WELL-BEING AND EMOTIONAL STABILITY.
- 28 3. PARENTING SKILLS.
- 29 4. EDUCATIONAL AND EMPLOYMENT SKILLS.
- 30 5. FINANCIAL LITERACY.
- 31 6. WORKFORCE SKILLS TRAINING.

32 C. THE DEPARTMENT SHALL PROVIDE PEDIATRIC CARE CONSISTENT WITH
33 MEDICAL STANDARDS AND, TO THE EXTENT FEASIBLE, SHALL BE GUIDED BY THE NEED
34 TO PROVIDE THE FOLLOWING:

35 1. A STABLE, CAREGIVING, STIMULATING ENVIRONMENT FOR THE CHILDREN
36 AS DEVELOPED AND SUPERVISED BY PROFESSIONAL GUIDANCE IN THE AREA OF CHILD
37 DEVELOPMENT.

38 2. PROGRAMS THAT ARE GEARED TO ENSURE THE STABILITY OF THE
39 PARENT-CHILD RELATIONSHIP DURING AND AFTER PARTICIPATING IN THE PROGRAM
40 AND THAT ARE DEVELOPED AND SUPERVISED BY APPROPRIATE PROFESSIONAL
41 GUIDANCE. AT A MINIMUM, THESE PROGRAMS SHALL BE GEARED TO ACCOMPLISH THE
42 FOLLOWING:

- 43 (a) THE MOTHER'S MENTAL STABILITY.
- 44 (b) THE MOTHER'S FAMILIARITY WITH GOOD PARENTING SKILLS.

1 (c) THE MOTHER'S ABILITY TO FUNCTION IN THE COMMUNITY, ON COMMUNITY
2 SUPERVISION OR RELEASE, AS A VIABLE COMMUNITY MEMBER.

3 (d) SECURING ADEQUATE HOUSING ARRANGEMENTS AFTER PARTICIPATING IN
4 THE PROGRAM.

5 (e) SECURING ADEQUATE CHILD CARE ARRANGEMENTS AFTER PARTICIPATING
6 IN THE PROGRAM.

7 3. THE LEAST RESTRICTIVE ALTERNATIVE TO INCARCERATION AND RESTRAINT
8 POSSIBLE TO ACHIEVE THE OBJECTIVES OF CORRECTION AND OF THIS SECTION
9 CONSISTENT WITH PUBLIC SAFETY AND JUSTICE.

10 D. IN THE FIRST YEAR AFTER THE DEPARTMENT ESTABLISHES A COMMUNITY
11 TREATMENT PROGRAM, THE DEPARTMENT SHALL PLACE UP TO TWENTY WOMEN IN THE
12 PROGRAM. IN THE SECOND YEAR AND EVERY YEAR THEREAFTER, THE DEPARTMENT
13 SHALL PLACE UP TO FIFTY WOMEN IN THE PROGRAM. TO BE ELIGIBLE FOR THE
14 PROGRAM, AN INMATE MUST BE ANY OF THE FOLLOWING:

15 1. A WOMAN WHO GIVES BIRTH TO A CHILD WHILE IMPRISONED AND WHO, ON
16 THE DATE OF ENTERING THE PROGRAM, IS SCHEDULED TO BE RELEASED FROM
17 IMPRISONMENT IN FIVE YEARS OR LESS.

18 2. A WOMAN WHO IS SENTENCED TO TWO YEARS OF IMPRISONMENT OR LESS
19 AND WHO HAS A CHILD WHO IS EIGHT YEARS OF AGE OR YOUNGER WHEN THE WOMAN
20 BEGINS SERVING THE WOMAN'S SENTENCE OF IMPRISONMENT.

21 3. A WOMAN WHO HAS A CHILD WHO IS EIGHT YEARS OF AGE OR YOUNGER ON
22 THE DATE THAT THE WOMAN HAS TWO YEARS OR LESS REMAINING ON THE WOMAN'S
23 SENTENCE OF IMPRISONMENT.

24 E. THIS SECTION DOES NOT APPLY TO A WOMAN WHO IS SERVING A SENTENCE
25 FOR OR WHO HAS EVER PREVIOUSLY BEEN CONVICTED OF ANY OF THE FOLLOWING
26 OFFENSES:

27 1. ARSON.

28 2. AN OFFENSE THAT REQUIRES THE WOMAN TO REGISTER PURSUANT TO
29 SECTION 13-3821 OR AN OFFENSE INCLUDED IN TITLE 13, CHAPTER 14 OR 35.1.

30 3. A DANGEROUS CRIME AGAINST CHILDREN.

31 Sec. 2. Appropriation: state department of corrections

32 The sum of \$2,000,000 is appropriated from the state general fund in
33 fiscal year 2022-2023 to the state department of corrections for
34 establishing and maintaining the community treatment program for
35 imprisoned women established by section 41-1612, Arizona Revised Statutes,
36 as added by this act.