

REFERENCE TITLE: elder parole; prisoner release

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

# **SB 1501**

Introduced by  
Senators Quezada: Terán; Representatives Andrade, Hernandez M

AN ACT

AMENDING TITLE 31, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 31-419; RELATING TO PAROLE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 31, chapter 3, article 2, Arizona Revised  
3 Statutes, is amended by adding section 31-419, to read:

4 31-419. Elder parole; requirements; definition

5 A. NOTWITHSTANDING ANY OTHER LAW, EXCEPT FOR PRISONERS WHO ARE  
6 SENTENCED TO DEATH OR TO NATURAL LIFE, THE BOARD OF EXECUTIVE CLEMENCY MAY  
7 RELEASE A PRISONER ON ELDER PAROLE IF THE PRISONER MEETS ALL OF THE  
8 FOLLOWING REQUIREMENTS:

9 1. IS AT LEAST SIXTY YEARS OF AGE.

10 2. HAS SERVED IN ACTUAL CUSTODY AT LEAST TWENTY YEARS OF THE  
11 PRISONER'S SENTENCE, INCLUDING CONCURRENT AND CONSECUTIVE SENTENCES.

12 3. POSES MINIMAL PUBLIC SAFETY RISKS WARRANTING CONTINUED  
13 IMPRISONMENT.

14 4. IS NOT SERVING A SENTENCE THAT REQUIRES THE PRISONER TO EITHER:

15 (a) SERVE THE FULL TERM OF IMPRISONMENT.

16 (b) REGISTER AS A SEX OFFENDER PURSUANT TO SECTION 13-3821.

17 B. THE BOARD HAS EXCLUSIVE AUTHORITY TO GRANT ELDER PAROLE.

18 C. A PRISONER WHO IS ELIGIBLE FOR ELDER PAROLE MAY SUBMIT AN  
19 APPLICATION FOR ELDER PAROLE TO THE BOARD AFTER SERVING AT LEAST TWENTY  
20 YEARS IN ACTUAL CUSTODY. AFTER RECEIVING THE APPLICATION, THE BOARD SHALL  
21 CONSIDER THE APPLICATION AT THE NEXT BOARD MEETING. TO GRANT AN  
22 APPLICATION FOR ELDER PAROLE, THE BOARD MUST FIND BY A PREPONDERANCE OF  
23 EVIDENCE THAT, IF RELEASED, THE PRISONER CAN LIVE AND REMAIN AT LIBERTY  
24 WITHOUT POSING A SUBSTANTIAL RISK TO PUBLIC SAFETY. THE BOARD SHALL USE  
25 AN EVIDENCE-BASED RISK-ASSESSMENT INSTRUMENT TO ASSESS THE RISK THAT A  
26 PRISONER WHO IS RELEASED ON ELDER PAROLE MAY POSE TO PUBLIC SAFETY.

27 D. THE PRISONER MAY BE REPRESENTED BY AN ATTORNEY WHEN THE BOARD  
28 CONSIDERS THE PRISONER'S APPLICATION FOR ELDER PAROLE. ALL VICTIMS'  
29 RIGHTS MUST BE COMPLIED WITH BEFORE THE BOARD MAY CONSIDER AN APPLICATION  
30 FOR RELEASE OF A PRISONER ON ELDER PAROLE.

31 E. IF THE BOARD DENIES A PRISONER'S APPLICATION FOR ELDER PAROLE,  
32 THE BOARD MUST DETERMINE THE LENGTH OF TIME THAT THE PRISONER MUST WAIT  
33 BEFORE THE PRISONER MAY REAPPLY FOR ELDER PAROLE. A GRANT OR DENIAL OF  
34 ELDER PAROLE DOES NOT AFFECT A PRISONER'S ELIGIBILITY FOR NONELDER PAROLE  
35 OR COMMUNITY SUPERVISION.

36 F. THIS SECTION APPLIES TO ANY PRISONER WHO APPLIES FOR ELDER  
37 PAROLE ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION, REGARDLESS OF THE  
38 DATE ON WHICH THE PRISONER WAS SENTENCED.

39 G. FOR THE PURPOSES OF THIS SECTION, "EVIDENCE-BASED" MEANS A  
40 PROGRAM OR PRACTICE THAT HAS BEEN SCIENTIFICALLY TESTED IN A CONTROLLED  
41 STUDY AND PROVEN TO BE EFFECTIVE.