

House Engrossed
prisoners; transition program

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HOUSE BILL 2615

AN ACT

AMENDING SECTION 31-281, ARIZONA REVISED STATUTES; RELATING TO THE
TRANSITION PROGRAM.

(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) Not have been convicted of a violent crime as defined in
18 section 13-901.03, unless the inmate was convicted of assault, aggravated
19 assault or robbery.

20 (c) Not have any felony detainers.

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

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

27 (f) Be classified by the department as minimum or medium custody as
28 determined by an objective risk assessment.

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

34 2. A requirement that each contracted entity train mentors or
35 certify that mentors are trained.

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

42 4. A requirement that an inmate may be released pursuant to this
43 article only after the victim has been provided notice and an opportunity
44 to be heard. The department shall provide notice to a victim who has
45 provided a current address or other contact information. The notice shall

1 inform the victim of the opportunity to be heard on the early release.
2 Any objection to the inmate's early release must be made within twenty
3 days after the department has mailed the notice to the victim.

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

6 D. The department shall:

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

12 2. Evaluate the inmate and provide the information to the
13 contracted entity.

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

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

22 (b) The number of inmates who received services pursuant to this
23 article.

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

26 (d) The types of services provided.

27 (e) The number of inmates who received each type of service
28 provided.

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

35 E. Notwithstanding subsection B, paragraph 1 of this section, if an
36 inmate agrees to comply with any condition that is established and
37 required by section 41-1604.07, subsection F, has been convicted of the
38 possession or use of marijuana pursuant to section 13-3405, subsection A,
39 paragraph 1, possession or use of a dangerous drug pursuant to section
40 13-3407, subsection A, paragraph 1, possession or use of a narcotic drug
41 pursuant to section 13-3408, subsection A, paragraph 1 or possession or
42 use of drug paraphernalia pursuant to section 13-3415, subsection A and is
43 not concurrently serving another sentence for an offense that is not
44 listed in this subsection, the inmate is eligible for and shall be
45 released to enter the transition program. The director may not exclude an

1 inmate who is eligible for the transition program pursuant to this
2 subsection because the inmate does not have a place to reside before being
3 released, except that the director shall exclude an inmate who has any of
4 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 5. Failed to achieve functional literacy as required by section
16 41-1604.07, subsection F, unless the inmate is enrolled in a program that
17 prepares the inmate to achieve functional literacy.

18 6. Been classified by the department as close or maximum custody as
19 determined by a current and objective risk assessment.

20 7. Refused enrollment in or been removed for poor behavior from a
21 major self-improvement program within the previous eighteen months unless
22 the inmate has subsequently enrolled in and completed the major
23 self-improvement program.

24 F. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, THE DEPARTMENT MAY
25 GRANT A ONETIME EXTENSION OF AN ADDITIONAL NINETY DAYS FOR AN ELIGIBLE
26 INMATE TO CONTINUE RECEIVING TRANSITION SERVICES IF ALL OF THE FOLLOWING
27 APPLY:

28 1. THE DEPARTMENT DETERMINES THAT THE INMATE WILL NEED ADDITIONAL
29 TREATMENT OR INTERVENTION TO ADEQUATELY ADDRESS THE INMATE'S SPECIFIC
30 CRIMINOGENIC NEEDS.

31 2. THE CONTRACTED ENTITY THAT IS PROVIDING THE INMATE'S TRANSITION
32 SERVICES USES AN EMPIRICALLY VALIDATED, PEER-REVIEWED INSTRUMENT TO
33 EVALUATE THE INMATE'S RISK OF RECIDIVISM AND IDENTIFIES THE INMATE'S
34 PRIMARY CRIMINOGENIC FACTORS.

35 3. THE CONTRACTED ENTITY THAT EVALUATES THE INMATE PURSUANT TO
36 PARAGRAPH 2 OF THIS SUBSECTION SUBMITS AN UPDATED INDIVIDUALIZED SERVICE
37 PLAN TO THE DEPARTMENT.

38 ~~F.~~ G. For the purposes of this section, "recidivism" means
39 reincarceration in the department for any reason.