

House Engrossed Senate Bill  
prisoners; transition services; noncontracted entities

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

# SENATE BILL 1091

AN ACT

AMENDING SECTION 31-281, ARIZONA REVISED STATUTES; AMENDING TITLE 31,  
CHAPTER 2, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 31-283;  
RELATING TO THE PRISONER 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 **DO BOTH OF THE FOLLOWING:**

9 1. Contract with private or nonprofit entities to provide eligible  
10 inmates with transition services and shall procure transition services  
11 pursuant to title 41, chapter 23.

12 2. **AT THE ELECTION OF THE ELIGIBLE INMATE, ALLOW NONCONTRACTED**  
13 **PRIVATE OR NONPROFIT BEHAVIORAL HEALTH SERVICE PROVIDERS THAT MEET THE**  
14 **REQUIREMENTS PRESCRIBED IN SECTION 31-283 TO PROVIDE ELIGIBLE INMATES WITH**  
15 **TRANSITION SERVICES.**

16 B. The director shall adopt rules to implement this article. The  
17 rules shall include:

18 1. Eligibility criteria for receiving a contracted **OR NONCONTRACTED**  
19 entity's transition services. To be eligible, at a minimum, an inmate  
20 shall:

21 (a) Not have been convicted of a sexual offense pursuant to title  
22 13, chapter 14 or a violation of title 13, chapter 17.

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

26 (c) Not have any felony detainers.

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

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

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

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

40 2. A requirement that each contracted **AND NONCONTRACTED** entity  
41 train mentors or certify that mentors are trained.

42 3. A requirement that the services offered to an inmate include  
43 psychoeducational counseling and case management services as determined by  
44 the department. The counseling and services may include substance abuse  
45 treatment, anger management, cognitive behavioral therapy, parenting

1 skills and family reunification training, further education and job  
2 placement.

3 4. A requirement that an inmate may be released pursuant to this  
4 article only after the victim has been provided notice and an opportunity  
5 to be heard. The department shall provide notice to a victim who has  
6 provided a current address or other contact information. The notice shall  
7 inform the victim of the opportunity to be heard on the early release.  
8 Any objection to the inmate's early release must be made within twenty  
9 days after the department has mailed the notice to the victim.

10 5. A REQUIREMENT THAT AN INMATE MUST USE A CONTRACTED ENTITY TO  
11 PROVIDE TRANSITION SERVICES UNLESS THE ELIGIBLE INMATE CHOOSES A  
12 NONCONTRACTED PRIVATE OR NONPROFIT BEHAVIORAL HEALTH SERVICE PROVIDER TO  
13 PROVIDE TRANSITION SERVICES PURSUANT TO SECTION 31-283.

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

16 D. The department shall:

17 1. Conduct an annual study to determine the recidivism rate of  
18 inmates who receive a contracted OR NONCONTRACTED entity's services  
19 pursuant to this article. The study shall include the recidivism rate of  
20 inmates who have been released from incarceration for a minimum of three  
21 years after release.

22 2. Evaluate the inmate and provide the information to the  
23 ~~contracted~~ entity THAT PROVIDED TRANSITION SERVICES TO THE INMATE.

24 3. Submit a written report to the governor, the president of the  
25 senate and the speaker of the house of representatives on or before  
26 July 31 of each year and provide a copy of this report to the secretary of  
27 state. The report may be submitted electronically. The report shall  
28 contain the following information:

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

32 (b) The number of inmates who received services pursuant to this  
33 article.

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

36 (d) The types of services provided.

37 (e) The number of inmates who received each type of service  
38 provided.

39 4. Provide information about the transition program to all inmates  
40 who are not serving a life sentence on admission to prison and to any  
41 inmate who is potentially eligible for the transition program six months  
42 before the inmate's eligibility date. The information must include all of  
43 the admission requirements to the transition program, including the  
44 disqualifying factors under this section.

1 E. Notwithstanding subsection B, paragraph 1 of this section, if an  
2 inmate agrees to comply with any condition that is established and  
3 required by section 41-1604.07, subsection F, has been convicted of the  
4 possession or use of marijuana pursuant to section 13-3405, subsection A,  
5 paragraph 1, possession or use of a dangerous drug pursuant to section  
6 13-3407, subsection A, paragraph 1, possession or use of a narcotic drug  
7 pursuant to section 13-3408, subsection A, paragraph 1 or possession or  
8 use of drug paraphernalia pursuant to section 13-3415, subsection A and is  
9 not concurrently serving another sentence for an offense that is not  
10 listed in this subsection, the inmate is eligible for and shall be  
11 released to enter the transition program. The director may not exclude an  
12 inmate who is eligible for the transition program pursuant to this  
13 subsection because the inmate does not have a place to reside before being  
14 released, except that the director shall exclude an inmate who has any of  
15 the following:

16 1. Previously been convicted of a violent crime as defined in  
17 section 13-901.03 or an offense listed in title 13, chapter 14 or 35.1.

18 2. A felony detainer.

19 3. Been found to be in violation of a major violent rule during the  
20 inmate's current period of incarceration or to be in violation of any  
21 other major rule within the previous six months. For the purposes of this  
22 paragraph, an accumulation of minor rule violations does not equal a major  
23 rule violation.

24 4. Previously been released pursuant to this section and violated a  
25 term of the inmate's release.

26 5. Failed to achieve functional literacy as required by section  
27 41-1604.07, subsection F, unless the inmate is enrolled in a program that  
28 prepares the inmate to achieve functional literacy.

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

31 7. Refused enrollment in or been removed for poor behavior from a  
32 major self-improvement program within the previous eighteen months unless  
33 the inmate has subsequently enrolled in and completed the major  
34 self-improvement program.

35 F. For the purposes of this section, "recidivism" means  
36 reincarceration in the department for any reason.

37 Sec. 2. Title 31, chapter 2, article 6, Arizona Revised Statutes,  
38 is amended by adding section 31-283, to read:

39 31-283. Noncontracted behavioral health service providers;  
40 definition

41 A. THE DEPARTMENT SHALL ALLOW AN ELIGIBLE PERSON TO CHOOSE TO  
42 RECEIVE TRANSITION SERVICES FROM A PRIVATE OR NONPROFIT BEHAVIORAL HEALTH  
43 SERVICE PROVIDER THAT IS NOT CONTRACTED WITH THE DEPARTMENT PURSUANT TO  
44 SECTION 31-282 IF THE PRIVATE OR NONPROFIT BEHAVIORAL HEALTH SERVICE

1 PROVIDER HAS A SERVICE CAPACITY OF AT LEAST TWO HUNDRED INDIVIDUALS AND  
2 AGREES TO DO ALL OF THE FOLLOWING:

- 3 1. PROVIDE TRANSITION SERVICES TO AN ELIGIBLE PERSON.
- 4 2. BE LICENSED BY THE DEPARTMENT OF HEALTH SERVICES.
- 5 3. TRAIN MENTORS OR CERTIFY THAT MENTORS ARE TRAINED.
- 6 4. PROVIDE CASE MANAGEMENT AND INREACH TO AN ELIGIBLE PERSON BEFORE  
7 THE PERSON BECOMES ELIGIBLE FOR TRANSITION SERVICES.

8 5. PROVIDE SERVICES TO AN ELIGIBLE PERSON THAT INCLUDE  
9 PSYCHOEDUCATIONAL COUNSELING AND CASE MANAGEMENT SERVICES. THE COUNSELING  
10 AND SERVICES MAY INCLUDE SUBSTANCE ABUSE TREATMENT, ANGER MANAGEMENT,  
11 COGNITIVE BEHAVIORAL THERAPY, PSYCHOSOCIAL REHABILITATION SERVICES,  
12 PARENTING SKILLS AND FAMILY REUNIFICATION TRAINING, FURTHER EDUCATION AND  
13 JOB PLACEMENT. THE BEHAVIORAL HEALTH SERVICE PROVIDER SHALL ALSO PROVIDE:

14 (a) EMPLOYMENT, EMPLOYMENT ASSISTANCE AND CAREER COUNSELING  
15 SERVICES.

16 (b) BASIC ACADEMIC EDUCATION, GENERAL EQUIVALENCY DIPLOMA  
17 PREPARATION AND POSTSECONDARY EDUCATION JOB TRAINING.

18 (c) TRANSITIONAL NEEDS, INCLUDING HOUSING, FOOD OR TREATMENT  
19 SERVICES.

20 (d) ASSISTANCE IN FINDING HEALTH INSURANCE COVERAGE FOR THE  
21 ELIGIBLE PERSON AND, IF APPLICABLE, MEDICAL ASSISTANCE, INCLUDING  
22 ASSISTANCE IN FINDING NECESSARY MEDICATION.

23 6. PROVIDE PHYSICAL HEALTH AND WELLNESS EDUCATION AND SERVICES.

24 7. PROVIDE INFORMATION TO THE DEPARTMENT TO ALLOW THE DEPARTMENT TO  
25 CONDUCT ITS ANNUAL STUDY TO DETERMINE THE RECIDIVISM RATE OF ELIGIBLE  
26 PERSONS WHO RECEIVE TRANSITION SERVICES.

27 B. IF THE DEPARTMENT DETERMINES THAT A PRIVATE OR NONPROFIT  
28 BEHAVIORAL HEALTH SERVICE PROVIDER THAT IS NOT CONTRACTED WITH THE  
29 DEPARTMENT DOES NOT MEET THE REQUIREMENTS OF THIS SECTION, THE PRIVATE OR  
30 NONPROFIT BEHAVIORAL HEALTH SERVICE PROVIDER SHALL BE GIVEN THE  
31 OPPORTUNITY TO COMPLY WITH THIS SECTION. IF THE PRIVATE OR NONPROFIT  
32 BEHAVIORAL HEALTH SERVICE PROVIDER THAT IS NOT CONTRACTED WITH THE  
33 DEPARTMENT DOES NOT COME INTO COMPLIANCE, THE DEPARTMENT SHALL REQUIRE THE  
34 ELIGIBLE PERSON TO RECEIVE TRANSITION SERVICES FROM A PRIVATE OR NONPROFIT  
35 ENTITY THAT IS CONTRACTED WITH THE DEPARTMENT PURSUANT TO SECTION 31-282.

36 C. FOR THE PURPOSES OF THIS SECTION, "ELIGIBLE PERSON" MEANS AN  
37 INMATE WHO IS ELIGIBLE TO RECEIVE TRANSITION SERVICES BASED ON THE  
38 INMATE'S RISK AND NEED AS DETERMINED BY THE DIRECTOR PURSUANT TO SECTION  
39 31-281.