

REFERENCE TITLE: mental health transition program; release

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2433

Introduced by
Representative Livingston

AN ACT

AMENDING SECTION 31-291, ARIZONA REVISED STATUTES; RELATING TO THE MENTAL HEALTH TRANSITION PILOT PROGRAM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 31-291, Arizona Revised Statutes, is amended to
3 read:

4 31-291. Mental health transition pilot program; contracted
5 entities; inmate eligibility; rules; study; report;
6 definition

7 A. The department shall establish the mental health transition
8 pilot program to provide eligible inmates with transition services in the
9 community. An inmate who is in the mental health transition pilot program
10 ~~may not be released before the inmate's earliest release date~~ AND WHO WAS
11 NOT CONVICTED OF AN OFFENSE LISTED IN SECTION 31-281, SUBSECTION B,
12 PARAGRAPH 1, SUBDIVISIONS (a) AND (b) SHALL BE RELEASED FROM CONFINEMENT
13 THREE MONTHS EARLIER THAN THE INMATE'S EARLIEST RELEASE DATE BASED ON THE
14 INMATE'S RISK AND NEED AND RULES ADOPTED PURSUANT TO THIS SECTION. AN
15 INMATE WHO THE DIRECTOR DETERMINES HAS PARTICIPATED IN THE MENTAL HEALTH
16 TRANSITION PILOT PROGRAM BUT WHO IS NOT LOW RISK SHALL NOT BE RELEASED
17 FROM CONFINEMENT EARLIER THAN THE INMATE'S EARLIEST RELEASE DATE.

18 B. The department shall administer the mental health transition
19 pilot program and contract with private or nonprofit entities to provide
20 eligible inmates with mental health transition services and shall procure
21 mental health transition services pursuant to title 41, chapter 23. The
22 department may refer an inmate who has a mental health condition to be
23 placed in the mental health transition pilot program. The department
24 shall place up to five hundred eligible inmates in the mental health
25 transition pilot program each fiscal year.

26 ~~B.~~ C. The director shall adopt rules to implement this
27 section. The rules shall:

28 1. Include eligibility criteria for an inmate to receive a
29 contracted entity's mental health transition services. To be eligible, at
30 a minimum, an inmate must:

31 (a) Agree in writing to provide specific information. The
32 department shall use the information to prepare the report prescribed by
33 subsection ~~D.~~ E, paragraph 3 of this section.

34 (b) Be diagnosed as seriously mentally ill and, on release, be
35 eligible for Arizona health care cost containment system benefits.

36 2. Require that an eligible inmate be offered services, which may
37 include health care assistance to obtain Arizona health care cost
38 containment system-funded services, case management, housing, psychiatric
39 management, drug testing that includes a DNA match to the person and the
40 level of any prescription drugs and transportation.

41 3. Require that each eligible inmate receive services in the
42 program for at least ninety days.

43 ~~C.~~ D. In awarding contracts under this section, the department
44 shall comply with section 41-3751.

45 ~~D.~~ E. The department shall:

1 1. Conduct an annual study to determine the recidivism rates of
2 inmates who receive a contracted entity's mental health transition
3 services pursuant to this section. The study shall include the recidivism
4 rates of inmates who have been released from incarceration for a minimum
5 of two years after release.

6 2. Evaluate each inmate and provide the information to the
7 contracted entity.

8 3. On or before December 31 of each year, submit a written report
9 to the governor, the president of the senate, the speaker of the house of
10 representatives and the joint legislative budget committee and provide a
11 copy of this report to the secretary of state. The report may be
12 submitted electronically. The report shall contain the following
13 information:

14 (a) The one-year, two-year and three-year rates of return to the
15 department's custody for an inmate who received services in the program
16 compared to a released inmate with a seriously mentally ill diagnosis
17 during the same period who did not receive services in the program.

18 (b) The number of inmates who participated in the program at any
19 point during the previous fiscal year.

20 (c) The number of inmates who completed ninety days of services in
21 the program during the previous fiscal year.

22 (d) The number of inmates who were still enrolled in the program on
23 the last day of the previous fiscal year.

24 (e) The number of inmates who were unsuccessfully discharged from
25 the program during the previous fiscal year.

26 (f) The number of inmates who were successfully connected to
27 Arizona health care cost containment system services during the previous
28 fiscal year as evidenced by the inmate both completing an intake for
29 services and using those services throughout the ninety-day period or
30 through the end of the fiscal year, whichever occurs first.

31 (g) Of the inmates who participated in the program at any point
32 during the previous fiscal year, the number of inmates who used Arizona
33 health care cost containment system-funded mental health services,
34 substance abuse services, psychiatric management services, case management
35 services and transportation or housing services, or both.

36 4. Provide information about the mental health transition pilot
37 program to each inmate who has a mental health condition or mental health
38 co-occurring condition and who is not serving a life sentence on admission
39 to prison and to each inmate who is potentially eligible for the mental
40 health transition pilot program nine months before the inmate's earliest
41 release date. The information must include all of the admission
42 requirements to the mental health transition pilot program and the
43 disqualifying factors under this section.

44 ~~F.~~ F. For the purposes of this section, "recidivism" means
45 reincarceration in the department for any reason.