

REFERENCE TITLE: home arrest; electronic monitoring

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

HB 2606

Introduced by
Representatives Payne: Biasiucci

AN ACT

AMENDING SECTION 31-418, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 11, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1604.21; 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. Section 31-418, Arizona Revised Statutes, is amended to
3 read:

4 31-418. Community supervision fee; deposit; community
5 corrections enhancement fund; drug testing costs

6 A. During the period of time that the prisoner remains on community
7 supervision, the state department of corrections shall require as a
8 condition of community supervision that the prisoner pay a monthly
9 supervision fee of at least ~~sixty five dollars~~ \$65 unless, after
10 determining the inability of the prisoner to pay the fee, the department
11 requires payment of a lesser amount. The supervising community
12 supervision officer shall monitor the collection of the fee.

13 B. Seventy ~~per cent~~ PERCENT of the monies collected pursuant to
14 subsection A of this section shall be deposited, pursuant to sections
15 35-146 and 35-147, in the victim compensation and assistance fund
16 established by section 41-2407 and thirty ~~per cent~~ PERCENT shall be
17 deposited in the community corrections enhancement fund established by
18 this section.

19 C. The community corrections enhancement fund is established
20 consisting of monies received pursuant to subsection B of this section,
21 sections 31-411, 31-467.06 and 41-1604.08, ~~and~~ section 41-1604.13,
22 subsection D, paragraph 8 AND SECTION 41-1604.21. The department shall
23 administer the fund and use fund monies to pay for costs related to
24 community corrections.

25 D. In addition to any other fees, the department may require as a
26 condition of community supervision that the prisoner pay the reasonable
27 costs associated with the prisoner's participation in a drug testing
28 program. The prisoner's costs shall not exceed the department's cost for
29 the program. The monies collected pursuant to this subsection by the
30 department may only be used to offset the costs of the drug testing
31 program.

32 Sec. 2. Title 41, chapter 11, article 1, Arizona Revised Statutes,
33 is amended by adding section 41-1604.21, to read:

34 41-1604.21. Home arrest; eligibility; victim notification;
35 conditions; fees; revocation; supervising
36 ratios

37 A. AN INMATE WHO HAS SERVED AT LEAST ONE YEAR OF THE SENTENCE
38 IMPOSED BY THE COURT IS ELIGIBLE FOR THE HOME ARREST PROGRAM IF THE INMATE
39 MEETS THE FOLLOWING CRITERIA:

40 1. WAS CONVICTED OF A VIOLATION OF SECTION 13-1503, 13-1504,
41 13-1505 OR 13-1506, ANY CLASS 4, 5 OR 6 FELONY OFFENSE IN TITLE 13,
42 CHAPTER 34 OR 34.1 OR ANY FELONY OFFENSE IN TITLE 13, CHAPTER 16, 18, 20,
43 21 OR 22.

44 2. IS WITHIN EIGHTEEN MONTHS OF BEGINNING ANY FORM OF RELEASE FROM
45 INCARCERATION.

1 3. HAS NOT PREVIOUSLY BEEN CONVICTED OF A DANGEROUS CRIME AGAINST
2 CHILDREN AS DEFINED IN SECTION 13-705 OR A SERIOUS OFFENSE OR A VIOLENT OR
3 AGGRAVATED FELONY AS DEFINED IN SECTION 13-706.

4 4. DOES NOT HAVE ANY VIOLENT DISCIPLINARY INFRACTIONS DURING THE
5 CURRENT TERM OF IMPRISONMENT.

6 5. HAS NOT PREVIOUSLY PARTICIPATED IN THE HOME ARREST PROGRAM
7 PURSUANT TO THIS SECTION.

8 6. DOES NOT HAVE ANY FELONY DETAINERS.

9 B. THE DEPARTMENT SHALL NOTIFY AN INMATE WHO MEETS THE ELIGIBILITY
10 CRITERIA FOR THE HOME ARREST PROGRAM PURSUANT TO SUBSECTION A OF THIS
11 SECTION AND PROVIDE THE INMATE AN APPLICATION TO PARTICIPATE IN THE HOME
12 ARREST PROGRAM NOT LATER THAN ONE HUNDRED TWENTY DAYS BEFORE THE DATE THE
13 INMATE BECOMES ELIGIBLE TO TRANSITION TO THE HOME ARREST PROGRAM.

14 C. WITHIN THIRTY DAYS AFTER RECEIVING AN APPLICATION TO PARTICIPATE
15 IN THE HOME ARREST PROGRAM, THE DEPARTMENT SHALL EVALUATE THE APPLICATION
16 AND SHALL ENSURE THAT ALL ELIGIBILITY REQUIREMENTS ARE MET, VERIFY THAT
17 THE RESIDENCE SUBMITTED BY THE INMATE IS SUITABLE FOR THE INMATE TO RESIDE
18 IN AND SEND VICTIM NOTIFICATION PURSUANT TO SUBSECTION D OF THIS SECTION.

19 D. AN INMATE MAY BE RELEASED TO THE HOME ARREST PROGRAM PURSUANT TO
20 THIS SECTION ONLY AFTER THE VICTIM HAS BEEN PROVIDED NOTICE AND AN
21 OPPORTUNITY TO BE HEARD. THE DEPARTMENT SHALL PROVIDE NOTICE TO A VICTIM
22 WHO HAS PROVIDED A CURRENT ADDRESS OR OTHER CONTACT INFORMATION WITHIN TEN
23 DAYS AFTER THE DATE OF ELIGIBILITY. THE NOTICE SHALL INFORM THE VICTIM OF
24 THE OPPORTUNITY TO BE HEARD ON THE DETERMINATION OF THE INMATE'S HOME
25 ARREST RELEASE. ANY OBJECTION TO THE INMATE'S HOME ARREST RELEASE MUST BE
26 MADE WITHIN TWENTY DAYS AFTER THE DEPARTMENT HAS MAILED THE NOTICE TO THE
27 VICTIM.

28 E. IF AN INMATE IS ELIGIBLE FOR THE HOME ARREST PROGRAM AND THE
29 DEPARTMENT DOES NOT RECEIVE A HEARING REQUEST FROM THE VICTIM OF THE
30 OFFENSE FOR WHICH THE INMATE IS INCARCERATED WITHIN THIRTY DAYS AFTER
31 GIVING NOTICE, THE DIRECTOR OR THE DIRECTOR'S DESIGNEE SHALL APPROVE THE
32 APPLICATION.

33 F. THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

34 1. REPORT MONTHLY ALL THE INMATES WHO MEET THE CRITERIA PRESCRIBED
35 IN SUBSECTION A OF THIS SECTION. THE REPORT SHALL BE READILY AVAILABLE TO
36 THE GOVERNOR, THE LEGISLATURE AND THE PUBLIC.

37 2. CONDUCT AN ANNUAL STUDY TO DETERMINE THE RECIDIVISM RATE OF
38 INMATES WHO WERE PLACED IN THE HOME ARREST PROGRAM.

39 3. ON OR BEFORE JULY 31 OF EACH YEAR, SUBMIT A WRITTEN REPORT TO
40 THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
41 REPRESENTATIVES AND PROVIDE A COPY OF THIS REPORT TO THE SECRETARY OF
42 STATE. THE REPORT SHALL CONTAIN ALL OF THE FOLLOWING INFORMATION:

43 (a) THE RECIDIVISM RATE OF INMATES WHO WERE PLACED IN HOME ARREST
44 PURSUANT TO THIS SECTION.

1 (b) THE NUMBER OF INMATES WHO WERE ELIGIBLE FOR PLACEMENT IN HOME
2 ARREST PURSUANT TO THIS SECTION.

3 (c) THE NUMBER OF ELIGIBLE INMATES WHO APPLIED FOR THE HOME ARREST
4 PROGRAM.

5 (d) THE NUMBER OF INMATES WHO WERE GRANTED PLACEMENT IN THE HOME
6 ARREST PROGRAM.

7 (e) THE NUMBER OF ELIGIBLE INMATES WHO DECLINED TO APPLY FOR THE
8 HOME ARREST PROGRAM.

9 (f) THE NUMBER OF INMATES WHO VIOLATED THE TERMS OF THE HOME ARREST
10 PROGRAM.

11 (g) THE NUMBER OF INMATES WHO WERE RETURNED TO CUSTODY BEFORE
12 COMPLETING THE HOME ARREST PROGRAM.

13 (h) THE NUMBER OF INMATES WHO SUCCESSFULLY COMPLETED THE HOME
14 ARREST PROGRAM.

15 (i) THE MINIMUM, MAXIMUM, MEAN AND MEDIAN DURATION THAT INMATES ARE
16 IN THE HOME ARREST PROGRAM.

17 G. AN INMATE WHO PARTICIPATES IN THE HOME ARREST PROGRAM PURSUANT
18 TO THIS SECTION SHALL BE MONITORED BY THE DEPARTMENT THROUGH ACTIVE
19 ELECTRONIC MONITORING SURVEILLANCE, WHICH MAY INCORPORATE WEARABLE
20 TECHNOLOGY USING MOBILE BIOMETRIC AUTHENTICATION, FOR A MINIMUM OF ONE
21 YEAR OR UNTIL THE INMATE BECOMES ELIGIBLE FOR PROBATION OR COMMUNITY
22 SUPERVISION.

23 H. THE DEPARTMENT SHALL ESTABLISH CONDITIONS FOR HOME ARREST THE
24 DEPARTMENT DEEMS APPROPRIATE TO ENSURE THE BEST INTERESTS OF THE INMATE
25 AND THE CITIZENS OF THIS STATE. AS A CONDITION OF HOME ARREST, THE
26 DIRECTOR:

27 1. MAY ORDER AN INMATE ON HOME ARREST TO PARTICIPATE IN AN ALCOHOL
28 OR DRUG TREATMENT, TESTING OR EDUCATION PROGRAM THAT IS ADMINISTERED BY A
29 QUALIFIED AGENCY, ORGANIZATION OR INDIVIDUAL APPROVED BY THE DEPARTMENT OF
30 HEALTH SERVICES AND THAT PROVIDES TREATMENT OR EDUCATION TO INDIVIDUALS
31 WHO ABUSE CONTROLLED SUBSTANCES. EACH INDIVIDUAL WHO IS ENROLLED IN A
32 DRUG TREATMENT OR EDUCATION PROGRAM SHALL PAY THE COST OF PARTICIPATING IN
33 THE PROGRAM TO THE EXTENT OF THE INDIVIDUAL'S FINANCIAL ABILITY.

34 2. MAY ORDER ADDITIONAL CONDITIONS, INCLUDING PARTICIPATION IN A
35 REHABILITATION PROGRAM OR COUNSELING AND PERFORMANCE OF COMMUNITY
36 RESTITUTION.

37 3. MAY ORDER AN INMATE TO APPLY FOR HEALTH CARE BENEFITS THROUGH
38 THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM BEFORE BEING
39 RELEASED. THE DEPARTMENT SHALL ENTER INTO AN ENROLLMENT AGREEMENT WITH
40 THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM TO REINSTATE BENEFITS FOR
41 INMATES WHO WERE SENTENCED TO A TERM OF IMPRISONMENT OF TWELVE MONTHS OR
42 LESS AND WHO WERE PREVIOUSLY ENROLLED IN THE ARIZONA HEALTH CARE COST
43 CONTAINMENT SYSTEM IMMEDIATELY BEFORE INCARCERATION. FOR ALL OTHER
44 INMATES, THE DEPARTMENT SHALL SUBMIT A PRERELEASE APPLICATION TO THE
45 ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM AT LEAST THIRTY DAYS BEFORE

1 THE INMATE'S RELEASE DATE. THE DEPARTMENT MAY COORDINATE WITH
2 COMMUNITY-BASED ORGANIZATIONS OR THE DEPARTMENT OF HEALTH SERVICES TO
3 ASSIST INMATES IN APPLYING FOR ENROLLMENT IN THE ARIZONA HEALTH CARE COST
4 CONTAINMENT SYSTEM.

5 4. SHALL ORDER THAT AN INMATE SEEK OUT AND PARTICIPATE IN GAINFUL
6 EMPLOYMENT.

7 5. SHALL ORDER THAT AN INMATE REMAIN AT THE INMATE'S PLACE OF
8 RESIDENCE AT ALL TIMES, EXCEPT FOR MOVEMENT OUT OF THE RESIDENCE ACCORDING
9 TO MANDATED CONDITIONS SET BY THE DEPARTMENT.

10 6. MAY ORDER THAT AN INMATE PAY THE MONTHLY HOME ARREST SUPERVISION
11 FEE IN AN AMOUNT THAT IS DETERMINED BY THE DIRECTOR, UNLESS AFTER
12 DETERMINING THE INABILITY OF THE INMATE TO PAY THE FEE, THE DEPARTMENT
13 REQUIRES PAYMENT OF A LESSER AMOUNT. THE SUPERVISING CORRECTIONS OFFICER
14 SHALL MONITOR THE COLLECTION OF THE FEE. MONIES COLLECTED SHALL BE
15 DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE COMMUNITY
16 CORRECTIONS ENHANCEMENT FUND ESTABLISHED BY SECTION 31-418.

17 I. AN INMATE WHO IS PLACED ON HOME ARREST IS ON INMATE STATUS AND
18 IS SUBJECT TO ALL THE LIMITS OF RIGHTS AND MOVEMENT. IF AN INMATE
19 VIOLATES A CONDITION OF HOME ARREST, THE DIRECTOR MAY REVOKE THE HOME
20 ARREST AND RETURN THE INMATE TO THE CUSTODY OF THE DEPARTMENT TO COMPLETE
21 THE TERM OF IMPRISONMENT AS AUTHORIZED BY LAW.

22 J. IF AN INMATE IS ARRESTED FOR A SUBSEQUENT FELONY OFFENSE THAT IS
23 COMMITTED WHILE ON HOME ARREST PURSUANT TO THIS SECTION, THE DIRECTOR
24 SHALL REVOKE THE HOME ARREST AND RETURN THE INMATE TO THE CUSTODY OF THE
25 DEPARTMENT TO COMPLETE THE TERM OF IMPRISONMENT AS AUTHORIZED BY LAW.

26 K. THE RATIO OF SUPERVISING CORRECTIONS OFFICERS TO SUPERVISEES IN
27 THE HOME ARREST PROGRAM MAY NOT EXCEED ONE OFFICER FOR EVERY ONE HUNDRED
28 SUPERVISEES.

29 Sec. 3. Applicability

30 This act applies to eligible inmates on the following dates:

31 1. Inmates who have less than six months remaining on their
32 sentences, from and after December 31, 2024.

33 2. Inmates who have less than twelve months remaining on their
34 sentences, from and after March 31, 2025.

35 3. Inmates who have less than eighteen months remaining on their
36 sentences, from and after June 30, 2025.