

PROPOSED
SENATE AMENDMENTS TO S.B. 1629
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 41-1376, Arizona Revised Statutes, is amended to
3 read:

4 41-1376. Powers and duties

5 A. The ombudsman-citizens aide shall:

6 1. Investigate the administrative acts of agencies pursuant to
7 section 41-1377, subsections A and B except as provided in section 41-1377,
8 subsections C, D and E. The ombudsman-citizens aide shall investigate the
9 administrative acts of an agency without regard to the finality of the
10 administrative act.

11 2. Annually before January 1 prepare a written report to the
12 governor, the legislature and the public that contains a summary of the
13 ombudsman-citizens aide's activities during the previous fiscal year. The
14 ombudsman-citizens aide shall present this report annually before the
15 legislative council and distribute copies of the report to the director of
16 the governor's office of strategic planning and budgeting, the chairperson
17 of the joint legislative budget committee and the cochairpersons of the
18 administrative rules oversight committee. This report shall include:

19 (a) The ombudsman-citizens aide's mission statement.

20 (b) The number of matters that were within each of the categories
21 specified in section 41-1379, subsection B.

22 (c) Legislative issues affecting the ombudsman-citizens aide.

23 (d) Selected case studies that illustrate the ombudsman-citizens
24 aide's work and reasons for complaints.

25 (e) Ombudsman-citizens aide's contact statistics.

1 (f) A description of the public awareness and outreach activities
2 conducted by the ombudsman-citizens aide.

3 (g) Ombudsman-citizens aide's staff.

4 3. Before conducting the first investigation, adopt rules that
5 ensure that confidential information that is gathered will not be
6 disclosed.

7 4. Appoint a deputy ombudsman and prescribe the duties of employees
8 or, subject to appropriation, contract for the services of independent
9 contractors necessary to administer the duties of the office of
10 ombudsman-citizens aide. All staff serves at the pleasure of the
11 ombudsman-citizens aide, and they are exempt from chapter 4, articles 5 and
12 6 of this title. All staff are subject to the conflict of interest
13 provisions of title 38, chapter 3, article 8.

14 5. Before conducting the first investigation, adopt rules that
15 establish procedures for receiving and processing complaints, including
16 guidelines to ensure each complainant has exhausted all reasonable
17 alternatives within the agency, conducting investigations, incorporating
18 agency responses into recommendations and reporting findings.

19 6. Notify the chief executive or administrative officer of the
20 agency in writing of the intention to investigate unless notification would
21 unduly hinder the investigation or make the investigation ineffectual.

22 7. Appoint an assistant to help the ombudsman-citizens aide
23 investigate complaints relating to the department of child safety. The
24 assistant shall have expertise in the department of child safety procedures
25 and laws. Notwithstanding any law to the contrary, the ombudsman-citizens
26 aide and the assistant have access to the department of child safety
27 records and direct remote access to any automated case management system
28 used by the department of child safety.

29 8. ON OR BEFORE DECEMBER 31 OF EACH YEAR, SUBMIT A REPORT TO THE
30 PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE
31 CHAIRPERSON OF THE SENATE JUDICIARY COMMITTEE, OR ITS SUCCESSOR COMMITTEE,
32 AND THE CHAIRPERSON OF THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE, OR

1 ITS SUCCESSOR COMMITTEE, THAT INCLUDES THE NUMBER OF COMPLAINTS MADE
2 REGARDING THE STATE DEPARTMENT OF CORRECTIONS, THE TOPIC OF EACH COMPLAINT
3 AND HOW EACH COMPLAINT WAS RESOLVED.

4 B. After the conclusion of an investigation and notice to the head
5 of the agency pursuant to section 41-1379, the ombudsman-citizens aide may
6 present the ombudsman-citizens aide's opinion and recommendations to the
7 governor, the legislature, the office of the appropriate prosecutor or the
8 public, or any combination of these persons. The ombudsman-citizens aide
9 shall include in the opinion the reply of the agency, including those
10 issues that were resolved as a result of the ombudsman-citizens aide's
11 preliminary opinion or recommendation.

12 Sec. 2. Section 41-1604, Arizona Revised Statutes, is amended to
13 read:

14 41-1604. Duties and powers of director

15 A. The director shall:

16 1. Be responsible for the overall operations and policies of the
17 department.

18 2. Maintain and administer all institutions and programs within the
19 department, including prisons, reception and diagnostic centers,
20 conservation camps, community correctional centers and such other
21 facilities and programs as may be required and established for the custody,
22 control, correction, treatment and rehabilitation of all adult offenders
23 who are committed to the department.

24 3. Be responsible for the administration and execution of all
25 community supervision services, including those for adult offenders who are
26 released in accordance with law.

27 4. Develop a program to provide uniform statewide community
28 supervision field services in this state and employ parole or community
29 supervision officers based on qualifications prescribed by the director,
30 including physical, psychological and educational qualifications and
31 practical experience.

1 5. Be responsible for the development of policies and programs that
2 shall be recommended to the governor and the legislature for the purpose of
3 improving the various adult correctional programs of this state.

4 6. Develop and establish a uniform statewide method of reporting
5 statistics as related to this chapter.

6 7. Subject to chapter 4, article 4 of this title, employ deputy
7 directors and other key personnel based on qualifications prescribed by the
8 director that require education and practical experience.

9 8. Adopt rules pursuant to chapter 6 of this title for the
10 development of incentives to encourage good behavior and the faithful
11 performance of work by prisoners.

12 9. Adopt rules pursuant to chapter 6 of this title to limit inmate
13 access to the internet through the use of a computer, computer system,
14 network, computer service provider or remote computing service.

15 10. Cooperate with the Arizona-Mexico commission in the governor's
16 office and with researchers at universities in this state to collect data
17 and conduct projects in the United States and Mexico on issues that are
18 within the scope of the department's duties and that relate to quality of
19 life, trade and economic development in this state in a manner that will
20 help the Arizona-Mexico commission to assess and enhance the economic
21 competitiveness of this state and of the Arizona-Mexico region.

22 11. ON OR BEFORE DECEMBER 31 OF EACH YEAR, SUBMIT A REPORT TO THE
23 THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,
24 THE CHAIRPERSON OF THE SENATE JUDICIARY COMMITTEE, OR ITS SUCCESSOR
25 COMMITTEE, AND THE CHAIRPERSON OF THE HOUSE OF REPRESENTATIVES JUDICIARY
26 COMMITTEE, OR ITS SUCCESSOR COMMITTEE, THAT INCLUDES ALL OF THE FOLLOWING:

27 (a) THE NUMBER OF INMATE DEATHS WHILE THE INMATE WAS IN CUSTODY,
28 INCLUDING SUICIDES, AND THE NUMBER OF SUICIDE ATTEMPTS WHILE THE INMATE WAS
29 IN CUSTODY.

30 (b) THE NUMBER OF PHYSICAL AND SEXUAL ASSAULTS IN CUSTODY.

1 (c) THE NUMBER OF INMATES WHO WERE PLACED IN ADMINISTRATIVE
2 SEGREGATION OR SOLITARY CONFINEMENT AND THE DURATION OF STAY IN SEGREGATION
3 OR CONFINEMENT.

4 (d) THE NUMBER OF FACILITY LOCKDOWNS THAT LASTED LONGER THAN
5 TWENTY-FOUR HOURS.

6 (e) THE NUMBER OF STAFF, THE TENURE OF EACH STAFF MEMBER, THE STAFF
7 TURNOVER RATE, STAFF VACANCIES AND STAFF COMPENSATION AT EACH FACILITY.

8 (f) THE NUMBER OF INMATES AT EACH FACILITY.

9 (g) THE INMATE-TO-STAFF RATIO AT EACH FACILITY.

10 (h) THE NUMBER OF IN-PERSON VISITS THAT WERE MADE FOR EACH INMATE AT
11 EACH FACILITY.

12 (i) THE NUMBER OF IN-PERSON VISITS THAT WERE DENIED FOR EACH INMATE
13 AT EACH FACILITY.

14 (j) THE NUMBER OF INMATE COMPLAINTS OR GRIEVANCES THAT WERE
15 SUBMITTED TO THE DEPARTMENT, THE DEPARTMENT'S RESOLUTION OF THE COMPLAINT
16 OR GRIEVANCE PURSUANT TO THE ADMINISTRATIVE REMEDIES PROCESS AND THE AMOUNT
17 OF TIME IT TOOK THE DEPARTMENT TO RESOLVE EACH COMPLAINT OR GRIEVANCE.

18 B. The director may:

19 1. Adopt rules to implement the purposes of the department and the
20 duties and powers of the director.

21 2. Take any administrative action to improve the efficiency of the
22 department, including the following:

23 (a) Create new divisions or units or consolidate divisions or units.

24 (b) Subject to chapter 4, article 4 of this title, transfer
25 employees between the various divisions and units of the department.

26 (c) Shift duties between divisions or units.

27 (d) Delegate to appropriate personnel the administrative functions,
28 powers or duties that the director believes can be competently, efficiently
29 and properly performed. The director shall not delegate the
30 responsibilities in subsection A, paragraphs 1 and 5 of this section.

31 (e) Transfer adult inmates between adult institutions or adult
32 facilities.

1 (f) Authorize work crews to perform acceptable tasks in any part of
2 ~~the~~ THIS state.

3 (g) Accept unconvicted persons pursuant to a court order for THE
4 purposes of examination and treatment regarding competency to understand
5 any stage of a criminal proceeding after indictment or information or their
6 ability to assist in their own defense.

7 (h) Accept convicted yet unsentenced persons pursuant to a court
8 order for THE purposes of conducting a mental health examination or a
9 diagnostic evaluation.

10 (i) Subject to chapter 4, article 4 and, as applicable, article 5 of
11 this title, appoint certain employees of the department to peace officer
12 status for THE purposes of guarding, transporting or pursuing persons who
13 are under the jurisdiction of the department and appoint certain employees
14 of the department to peace officer status for THE purposes of investigating
15 or arresting persons who commit or attempt to commit offenses directly
16 relating to the operations of the department. Peace officers of the
17 department shall not preempt the authority and jurisdiction of established
18 agencies of this state and political subdivisions of this state. Such
19 officers shall notify agencies of this state and political subdivisions of
20 this state before conducting an investigation within the jurisdiction of
21 the agency and before making an arrest within the jurisdiction of the
22 agency and shall ask, except in an emergency, if the agency wishes to
23 participate, perform the investigation or arrest the person to be arrested
24 before proceeding. Personnel who are appointed as peace officers by the
25 director shall have the minimum qualifications established for peace
26 officers pursuant to section 41-1822. Personnel who are appointed by the
27 director pursuant to this subdivision are not eligible to participate in
28 the public safety personnel retirement system except as otherwise provided
29 in title 38, chapter 5, article 4.

30 (j) Operate travel reduction programs that are subsidized by the
31 department for employees who commute between work and home by vanpools,

1 carpools and buses or in vehicles that are purchased or leased by the
2 department.

3 3. Establish by rule a ~~one-time~~ ONETIME fee for conducting
4 background checks on any person who enters a department facility to visit a
5 prisoner. A fee shall not be charged for a person who is under eighteen
6 years of age. The director may adopt rules that waive all or part of the
7 fee. The director shall deposit, pursuant to sections 35-146 and 35-147,
8 any monies collected pursuant to this paragraph in the department of
9 corrections building renewal fund established by section 41-797."

10 Amend title to conform

JUSTINE WADSACK

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