

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1233

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

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 supervision
12 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 this
18 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~~ 41-1604.21 and section
22 41-1604.13, subsection D, paragraph 8. The department shall administer the
23 fund and use fund monies to pay for costs related to community corrections.

1 D. In addition to any other fees, the department may require as a
2 condition of community supervision that the prisoner pay the reasonable
3 costs associated with the prisoner's participation in a drug testing
4 program. The prisoner's costs shall not exceed the department's cost for
5 the program. The monies collected pursuant to this subsection by the
6 department may only be used to offset the costs of the drug testing
7 program.

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

10 41-1604.21. Home confinement; eligibility; department orders;
11 victim notifications; evaluation; electronic
12 monitoring; fee; return of inmate; ratio

13 A. AN INMATE WHO HAS SERVED AT LEAST ONE YEAR OF THE SENTENCE
14 IMPOSED BY THE COURT IS ELIGIBLE FOR THE HOME CONFINEMENT PROGRAM IF THE
15 INMATE MEETS THE FOLLOWING CRITERIA:

16 1. WAS CONVICTED OF A VIOLATION OF SECTION 13-1503, 13-1504, 13-
17 1505, 13-1506, 13-2316, 13-2809 OR 13-3107 OR ANY CLASS 4, 5 OR 6 FELONY
18 OFFENSE IN TITLE 13, CHAPTER 34 OR 34.1 OR ANY FELONY OFFENSE IN TITLE 13,
19 CHAPTER 16, 18, 20, 21 OR 22.

20 2. IS WITHIN EIGHTEEN MONTHS OF BEGINNING ANY FORM OF RELEASE FROM
21 INCARCERATION.

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

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

27 5. HAS NOT PREVIOUSLY PARTICIPATED IN THE HOME CONFINEMENT PROGRAM
28 PURSUANT TO THIS SECTION.

29 6. DOES NOT HAVE ANY FELONY WARRANTS OR DETAINERS.

30 B. THE DEPARTMENT SHALL ESTABLISH AND ADOPT A DEPARTMENTAL ORDER
31 OUTLINING THE HOME CONFINEMENT PROGRAM AND ITS GOVERNANCE PURSUANT TO
32 SECTION A OF THIS SECTION. THE DEPARTMENTAL ORDER SHALL INCLUDE:

1 1. A METHODOLOGY FOR ALERTING THE INMATE POPULATION ABOUT HOME
2 CONFINEMENT, ELIGIBILITY INFORMATION, INCLUDING A REQUIREMENT THAT AN
3 INMATE WHO DOES NOT HAVE A DISABILITY THAT WOULD PREVENT THEM FROM DOING SO
4 SEEK OUT AND PARTICIPATE IN GAINFUL EMPLOYMENT OR EDUCATION.

5 2. AN APPLICATION PROCESS.

6 3. CRITERIA FOR ACCEPTANCE.

7 4. CONDITIONS FOR ACCEPTANCE THAT MAY INCLUDE FURTHER REQUIREMENTS
8 RELATED TO HOUSING, EMPLOYMENT, HEALTH CARE, PROHIBITIONS, DATA TRACKING,
9 AND OTHER INFORMATION.

10 C. THE DEPARTMENT SHALL ENSURE THAT ALL ELIGIBLE APPLICANTS HAVE
11 EQUITABLE ACCESS TO MEET PROGRAM REQUIREMENTS AND SHALL PROVIDE ASSISTANCE
12 TO APPLICANTS IN COMPLETING ANY PROGRAM REQUIREMENTS.

13 D. WITHIN NINETY CALENDAR DAYS AFTER RECEIVING A COMPLETE
14 APPLICATION TO PARTICIPATE IN THE HOME CONFINEMENT PROGRAM, THE DEPARTMENT
15 SHALL EVALUATE THE CRITERIA FOR APPROVAL PURSUANT TO SECTION A OF THIS
16 SECTION. IF ALL CRITERIA ARE MET, PURSUANT TO DEPARTMENTAL ORDER, THE
17 DEPARTMENT SHALL SEND VICTIM NOTIFICATION PURSUANT TO SUBSECTION E OF THIS
18 SECTION.

19 E. AS OUTLINED IN THE HOME CONFINEMENT DEPARTMENTAL ORDER, APPROVAL
20 OF AN APPLICATION IS SUBJECT TO THE INPUT OF THE VICTIM OF THE OFFENSE FOR
21 WHICH THE INMATE IS INCARCERATED. THE DEPARTMENTAL ORDER SHALL:

22 1. REQUIRE THE DEPARTMENT TO CONTACT ANY APPLICABLE VICTIMS WITHIN
23 TEN DAYS AFTER A COMPLETED APPLICATION HAS BEEN SUBMITTED TO THE
24 DEPARTMENT.

25 2. ESTABLISH A MECHANISM FOR VICTIMS TO PROVIDE FEEDBACK ABOUT AN
26 APPLICANT.

27 3. REQUIRE THE DIRECTOR OR THE DIRECTOR'S DESIGNEE TO REVIEW A
28 VICTIM'S FEEDBACK WITHIN TWENTY CALENDAR DAYS AFTER RECEIVING THE FEEDBACK.

29 4. REQUIRE VICTIM FEEDBACK TO BE INCLUDED IN THE APPLICANT'S HOME
30 CONFINEMENT APPLICATION.

1 F. THE DEPARTMENT MAY ENTER INTO A CONTRACT WITH AN ENTITY FOR
2 PROGRAM EVALUATION OF THE HOME CONFINEMENT PROGRAM AFTER TWELVE MONTHS FROM
3 THE START DATE TO DETERMINE SUCCESS OF THE PROGRAM, INCLUDING:

- 4 1. THE TOTAL NUMBER OF ELIGIBLE INMATES.
- 5 2. THE TOTAL NUMBER OF ACTIVE PARTICIPANTS.
- 6 3. THE TOTAL NUMBER OF INMATES THAT WERE RETURNED TO CUSTODY BEFORE
7 PROGRAM COMPLETION.

8 G. AN INMATE WHO PARTICIPATES IN THE HOME CONFINEMENT PROGRAM
9 PURSUANT TO THIS SECTION SHALL BE MONITORED BY THE DEPARTMENT THROUGH
10 ELECTRONIC MONITORING SURVEILLANCE, WHICH MAY INCORPORATE WEARABLE
11 TECHNOLOGY THAT USES MOBILE BIOMETRIC AUTHENTICATION, FOR A MINIMUM OF ONE
12 YEAR OR UNTIL THE INMATE BECOMES ELIGIBLE FOR PROBATION OR COMMUNITY
13 SUPERVISION.

14 H. THE DEPARTMENT MAY ORDER THAT AN INMATE PAY THE MONTHLY HOME
15 CONFINEMENT SUPERVISION FEE IN AN AMOUNT THAT IS DETERMINED BY THE
16 DIRECTOR, UNLESS AFTER DETERMINING THE INABILITY OF THE INMATE TO PAY THE
17 FEE, THE DEPARTMENT REQUIRES PAYMENT OF A LESSER AMOUNT THAT IS OUTLINED IN
18 THE DEPARTMENTAL ORDER. THE SUPERVISING CORRECTIONS OFFICER SHALL MONITOR
19 THE COLLECTION OF THE FEE. MONIES COLLECTED SHALL BE DEPOSITED, PURSUANT
20 TO SECTIONS 35-146 AND 35-147, IN THE COMMUNITY CORRECTIONS ENHANCEMENT
21 FUND ESTABLISHED BY SECTION 31-418.

22 I. AN INMATE WHO IS PLACED ON HOME CONFINEMENT SHALL REMAIN ON
23 INMATE STATUS AND IS SUBJECT TO ALL THE LIMITS OF RIGHTS AND MOVEMENT. IF
24 AN INMATE VIOLATES A CONDITION OF HOME CONFINEMENT, THE DIRECTOR MAY REVOKE
25 THE HOME CONFINEMENT AND RETURN THE INMATE TO THE CUSTODY OF THE DEPARTMENT
26 TO COMPLETE THE TERM OF IMPRISONMENT AS AUTHORIZED BY LAW.

27 J. IF AN INMATE IS ARRESTED FOR A SUBSEQUENT FELONY OFFENSE THAT IS
28 COMMITTED WHILE ON HOME CONFINEMENT PURSUANT TO THIS SECTION, THE DIRECTOR
29 SHALL REVOKE THE HOME CONFINEMENT AND RETURN THE INMATE TO THE CUSTODY OF
30 THE DEPARTMENT TO COMPLETE THE TERM OF IMPRISONMENT AS AUTHORIZED BY LAW.

1 K. THE RATIO OF SUPERVISING CORRECTIONS OFFICERS TO SUPERVISEES IN
2 THE HOME CONFINEMENT PROGRAM MAY NOT EXCEED ONE OFFICER FOR EVERY ONE
3 HUNDRED SUPERVISEES.

4 Sec. 3. Effective date

5 This act is effective from and after March 31, 2026."

6 Amend title to conform

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