



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature  
First Regular Session

## **HB 2165: prisoners; eligibility**

**Sponsor: Representative Blackman, LD 6**  
**Committee on Criminal Justice Reform**

### **Overview**

Outlines eligibility requirements for nonviolent offenders in the home arrest program (Program).

### **History**

An inmate who has served not less than six months of a sentence is eligible for the Program if certain specified conditions are met. The Board of Executive Clemency (Board) must determine which inmates are released to the Program based on the Programs criteria and other specified considerations. Inmates must follow the conditions of the Program or risk being returned to the custody of the Department of Corrections (Department) ([A.R.S. § 41-1604.13](#)).

### **Provisions**

1. States that an inmate who is sentenced to at least two years of imprisonment and who has served not less than one year of the sentence is eligible for the Program if the following criteria is met:
  - a) The conviction was a felony that was not a serious offense;
  - b) The inmate is within four years of beginning any form of release from incarceration from the Department;
  - c) The inmate has not previously been convicted of a dangerous crime against children or a sexual offense; and
  - d) The inmate does not have any violent disciplinary infractions during the current term of imprisonment. (Sec. 3)
2. Requires the Board to determine which inmates are released to the Program based on:
  - a) The criteria for entry into the Program;
  - b) A determination that the inmate will remain at liberty without violating the law;
  - c) That the release is in the best interest of the state after considering the offense for which the inmate is presently incarcerated;
  - d) The prior record of the inmate;
  - e) The conduct of the inmate while incarcerated; and
  - f) Any other information concerning the inmate that is in the possession of the Department, including the presentence report. (Sec. 3)
3. Stipulates that home arrest is conditioned on the following:
  - a) Active electronic monitoring surveillance for a minimum of one year or until eligible for probation or community supervision;
  - b) Participation in gainful employment or other beneficial activities;
  - c) Submitting to mandated alcohol and drug tests;
  - d) Payment of the electronic monitoring fee in an amount determined by the Board of not less than \$1 per day and not more than the total cost of the monitoring unless, it is

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- determined that the inmate is unable to pay the fee and the Board requires the payment of a lesser amount;
- i. Requires the fees collected be returned to the Program to offset operational costs;
  - e) The inmate must always remain at the place of residence except for movement out of the residence according to mandated conditions;
    - i. Requires the Board and supervising correctional officer (Officer) to determine the inmate's monitoring custody level;
  - f) Adhere to any other conditions imposed by the court, Board or the Officer;
  - g) Comply with all other conditions of supervision;
  - h) Pay a monthly home arrest supervision fee of at least \$65 unless, it is determined that the inmate is unable to pay the fee and the Board requires the payment of a lesser amount;
    - i. Requires the Officer to monitor collection of the fee and monies collected must be deposited in the Community Corrections Enhancement Fund; and
  - i) Pay a drug test fee in an amount to be determined by the Board and not to exceed the costs of the drug testing program;
    - i. Fees collected may only be used to offset the costs of the drug testing program. (Sec. 3)
4. States that before holding a hearing on home arrest, the Board on request must notify and afford an opportunity to be heard by:
    - a) The presiding judge of the superior court in the county in which the inmate requesting home arrest was sentenced;
    - b) The prosecuting attorney; and
    - c) The director of the of the arresting law enforcement agency. (Sec. 3)
  5. Requires the Board to notify the victim of the offense for which the inmate is incarcerated before a hearing on home arrest. (Sec. 3)
  6. Stipulates that a notice to the victim must state:
    - a) The name of the inmate requesting home arrest;
    - b) The offense for which the inmate was sentenced;
    - c) The length of the sentence and the date of admission to the custody of the Department; and
    - d) Information regarding the victim's right to be present and to submit a written report to the Board expressing the victim's opinion concerning the inmate's release. (Sec. 3)
  7. Prohibits a home arrest hearing from occurring until 15 days after the date of giving notice to the victim.
    - a) Requires the Board to file a hardcopy of the notice once mailed as evidence that notification was sent. (Sec. 3)
  8. States that an inmate in home arrest is on inmate status and is subject to all the limitations of rights and movement and is entitled only to due process rights of return. (Sec. 3)
  9. Stipulates that if an inmate violates a condition of home arrest or commits an additional felony offense, the Board must revoke home arrest and return the inmate to the custody of the Department to complete the term of imprisonment. (Sec. 3)
  10. Limits the ratio of Officers to supervisees in the Program to not be greater than one Officer for every 25 supervisees. (Sec. 3)
  11. Defines *serious offense*. (Sec. 3)
  12. Makes conforming changes. (Sec. 1,2)
  13. Makes technical changes. (Sec. 2)