



ARIZONA STATE SENATE
Fifty-Sixth Legislature, First Regular Session

AMENDED
FACT SHEET FOR S.B. 1161

probation; work time credits; reporting

Purpose

Beginning January 1, 2024, allows a court, on recommendation from a probation officer, to reduce a probationer's supervised probation period by 30 days for every 30 days that a probationer is engaged in eligible employment.

Background

If a person has been convicted of an offense that is eligible for probation, the court may suspend the imposition or execution of sentence and must immediately place the person on intensive, supervised or unsupervised probation. The court may terminate a period of probation early if the ends of justice will be served and the conduct of the defendant warrants it ([A.R.S. § 13-901](#)). Unless otherwise specified, periods of probation are determined by the classification of the offense as follows: 1) one year for a class 3 misdemeanor; 2) two years for a class 2 misdemeanor; 3) three years for a class 1 misdemeanor or a class 5 or 6 felony; 4) four years for a class 4 felony; 5) five years for a class 3 felony; or 6) seven years for a class 2 felony. Longer terms of probation, including lifetime probation, may be imposed for certain offenses ([A.R.S. § 13-902](#)).

The court may adjust the period of supervised probation for earned time credit that equals 20 days for every 30 days that a probationer: 1) exhibits positive progression toward the goals and treatment of the probationer's case plan; 2) is current on payments for court ordered restitution and is in compliance with all other nonmonetary obligations; and 3) is current in completing community restitution. Earned time credit for probation does not apply to a probationer who is: 1) on lifetime probation; 2) on probation for a class 2 or 3 felony; 3) on probation exclusively for a misdemeanor; or 4) required to register as a sex offender ([A.R.S. § 13-924](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Allows an eligible probationer to receive work time credit toward a period of probation that equals 30 days for every 30 days that a probationer is engaged in eligible employment.
2. Requires a probationer to provide supporting documentation to the supervising probation officer within 5 business days after completing 30 days of eligible employment.
3. Requires a supervising probation officer to verify the probationer's employment through the supporting documentation that is provided by the probationer or by any other means that the court determines is necessary to verify the work, including site visits and telephonic verification.

4. Requires a probationer, in order to receive work time credit, to fulfill the same requirements necessary to receive earned time credit.
5. Stipulates that a probationer may only receive earned time credit or work time credit.
6. Requires the probation officer to document any request for work time credit that is denied.
7. Allows probation work time credit to be revoked if the probationer is found to be in violation of a condition of probation.
8. Allows the court, if a term of probation is imposed, to require a defendant to report to a probation officer.
9. Allows the court or the defendant's probation officer to allow the defendant to fulfill a reporting requirement through remote reporting.
10. Requires a probation to consider and make accommodations for the probationer's work schedule, family caregiver obligations, substance abuse treatment or recovery program, mental health treatment, transportation availability and medical care requirements before setting the reporting time and location requirements for the probationer.
11. Defines *eligible employment* as any occupation or combination of occupations for which a person can provide supporting documentation verifying at least 130 wage-earning hours in any 30-day period.
12. Defines *supporting documentation* as an employment record, pay stub, employment letter, contract or other reliable means of verifying employment.
13. Cites this legislation as the *Earning Safe Reentry Through Work Act*.
14. Makes technical and conforming changes.
15. Becomes effective on January 1, 2024.

Amendments Adopted by Committee

1. Requires a probationer, in order to receive work time credit, to fulfill the same requirements necessary to receive earned time credit.
2. Stipulates that a probationer may only receive earned time credit or work time credit.
3. Allows a probation officer to verify employment through site visits and telephonic verification.

Amendments Adopted by Committee of the Whole

- Requires a probation officer to consider and make accommodations for a probationer's substance abuse treatment or recovery program, mental health treatment and transportation availability.

Senate Action

JUD 2/16/23 DPA 6-0-1

Prepared by Senate Research

February 28, 2023

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