

ARIZONA CAPITOL TIMES

Burges withdraws early release bills after criticism from unlikely foe

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Sen. Judy Burges, a Sun City West Republican, held two bills on February 16 designed to reduce recidivism that had the support of conservative and liberal justice reform groups.

The bills would have allowed certain felons to serve less time and put into law a set of graduated sanctions the Department of Corrections must use when monitoring people on supervised release. They had an unlikely foe.

Donna Hamm, director of Middle Ground Prison Reform, objected to the bills at a February 9 hearing of the Senate Judiciary Committee, which Burges chairs.

Hamm said she is not opposed to the idea of sentence reduction or requiring DOC to write a graduated sanctions policy that is uniformly implemented, but there were too many defects in the bills.

“We just disagreed with the way they’re going about it,” Hamm said.



Sen. Judy Burges (file photo)

Burges, who sponsored, SB1067 and SB1068, withheld them from a vote at that hearing and scheduled them for testimony on February 16, but held them again after it became clear Hamm and American Friends Service Committee and other justice reform groups couldn't iron out their differences.

February 16 was the last day for bills to be heard in their chambers of origin, but Burges said she would consider moving them this legislative session in the form of a strike-all amendment to other bills.

One of the recidivism reduction bills takes aim at reducing truth-in-sentencing, which in Arizona means a prisoner must serve at least 85 percent of the term. SB1068 would have reduced that number to 65 percent for non-violent offenders and repeat offenders.

Hamm said she couldn't support a bill that includes repeat offenders having a chance for release after serving 65 percent.

Caroline Isaacs, program director for American Friends Service Committee, said having multiple offenses is not an indicator of a person's risk to the community, so repeat offenders should be included in the sentence reduction.

"There's really no legitimate public safety reason to keep those people in prison longer," she said.

Under current law, a person who completes 85 percent of a prison term is released, but still under the supervision of the Department of Corrections and subject to returning to prison for technical violations such as testing positive for drug use, not finding a job in a timely manner, or not reporting to their community supervision manager.

Isaacs said 20 percent of the new admissions into DOC are people whose community supervision was revoked because of technical violations.

SB1067 would have required DOC to develop a set of graduated sanctions short of revocation of community supervision.

“This is one of those best practices models nationally. DOC claims they already do this, so it shouldn’t be a problem for them to codify in statute,” Isaacs said.

Hamm said a problem with the bill is DOC could send someone to county jail for up to five days at a time and up to 30 days a year as a sanction.

That, she said, violates due process rights.

When a person’s community supervision is being revoked, they now have a right to go before the Board of Executive Clemency, have counsel and witnesses and an opportunity to challenge evidence.

Hamm also objected to giving the state the ability to extend a person’s community supervision.

“That’s illegal,” she said.

Isaacs said she tried to address Hamm’s concerns by requiring decisions about jail time go before the Board of Executive Clemency in an expedited process.

Hamm countered that the board doesn’t have the authority to do anything except revocations.

The American Friends Service Committee, long considered liberal, has tried for years to transform Arizona’s criminal justice system and reduce the prison population, and has had small bites of success.

In recent years, however, groups seeking to transform the criminal justice system based on conservative principles have joined the cause nationally and brought their ideas to Arizona.

The two bills have the support of conservative groups such as Right on Crime and Texas Public Policy Foundation, and is joined with other groups such as ACLU of Arizona, U.S. Justice Action Network and the Salvation Army.