

HB 2808 FACT SHEET

Nonviolent Offender Credit Opportunities

- Inmates serving sentences for a nonviolent offense may **earn 1 day for every 6 days in good time** (called “earned time” under current law).
- These inmates may also earn an **additional 1 1/2 days of recidivism reduction credits for every 6 days** for completion of a drug treatment program or major self-improvement program, or active participation in an intergovernmental agreement or Arizona Correctional Industries work program.
- Some of the current major self-improvement programs include:
 - DUI Treatment (A011)
 - Moderate Treatment (A021)
 - Substance Abuse Treatment (A025)
 - Intensive Treatment (A031)
 - Functional Literacy (E001)
 - Education GED (E003)
 - High School (E007)
 - Any Correctional Technical Education (CTE) programs (W)
 - **The Director is reviewing the DI which would also add:**
 - Go Further (9-12 month re-entry program) (M183)
 - Associate Degree (E200)
 - Bachelor's Degree (E201)
 - Master's Degree (E202)
 - Changing Offender Behavior (Cognitive restructuring program; 22 classes. Started and completed after certification process post 2/15/2020) (M186)
 - Fire Crew Program (completed both S-130 Firefighter Training and S-190 Introduction to Wildland Fire Behavior courses) (M185)
 - Impact on Crime Victims (M888)
- **Together, these inmates may earn up to 30% off of their sentences toward an earlier release to community supervision.**
 - All inmates are released to a period of community supervision post release; these credits allow inmates to leave prison for community supervision earlier. They will not be able to leave prison with no strings attached.
- **Exception:** these recidivism reduction release credits cannot be earned by inmates who are currently serving a sentence for a violent or aggravated felony, or who have previously been convicted of a violent or aggravated felony as an adult.

- Juvenile violent or aggravated felony records may be counted if the juvenile was convicted of two or more of these offenses on separate occasions and the current felony offense was committed within 10 years of the juvenile sentence was completed.
- **Violent convictions are defined as anything listed in ARS 13-706 Section 2. Link to in update:** <https://www.azleg.gov/ars/13/00706.htm>

Changes to Literacy Requirement

- **Current law:**
 - Allows inmates to be held in prison past their earliest release date if they do not complete a standardized assessment test to prove they are at an eighth-grade reading level
 - **Unintended consequences of current law:** with a wait list for the literacy programming and test, this unfairly punishes inmates who cannot take the test before their earliest release date due to ADC's lack of programming. These inmates may already be able to read, but without the test they cannot prove it.
- **Changes:**
 - The bill requires the director to make a determination of eligibility for the programming and provide the standardized assessment testing for each inmate before the earliest date the inmate becomes eligible for release.

Credit Forfeitures

- Allows the director to declare all *or a portion* of release credits earned by a prisoner to be forfeited for failure to adhere to the rules of the department, etc.
- Allows inmates to have credits forfeited after a disciplinary hearing finds they bring a claim **knowing it is** without substantial justification
 - Tightens up language so inmates who report concerns with conditions, or who have mental health issues, for example, can't have credits forfeited.

Reporting Requirements

- Adds additional reporting requirements for the new section of recidivism reduction credits (credits other nonviolent offenders may earn)

Applicability/Effective date

- Because this is a procedural change, Legislative Council has said that it is not necessary to include an explicit applicability clause for it to apply to the current population that has already completed one or more rehabilitative program. This means that over 10,800 inmates will receive credits for past program completion when the bill goes into effect.

- The effective date of this bill is after December 31, 2020. This gives the ADC and local authorities time to properly apply credits to the current population and implement the bill.