

REFERENCE TITLE: prisoners; restitution payments

State of Arizona
Senate
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SB 1619

Introduced by
Senator Verschoor; Representative Lujan; Senators Gould, Hale, Miranda;
Representatives Gallardo, Konopnicki

AN ACT

AMENDING SECTIONS 31-230, 31-254 AND 31-261, ARIZONA REVISED STATUTES;
RELATING TO PRISONERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 31-230, Arizona Revised Statutes, is amended to
3 read:

4 31-230. Prisoner spendable accounts

5 A. The director shall establish a prisoner spendable account for each
6 prisoner. All monies that are received by a prisoner and that are not
7 required to be deposited in another account shall be deposited in the
8 prisoner's SPENDABLE account.

9 B. The director shall adopt rules for the disbursement of monies from
10 prisoner spendable accounts.

11 C. IF THE COURT HAS ORDERED THE PRISONER TO PAY RESTITUTION PURSUANT
12 TO SECTION 13-603, THE DIRECTOR SHALL WITHDRAW A MINIMUM OF TWENTY PER CENT,
13 OR THE BALANCE OWING ON THE RESTITUTION AMOUNT, UP TO A MAXIMUM OF FIFTY PER
14 CENT OF THE MONIES AVAILABLE IN THE PRISONER'S SPENDABLE ACCOUNT EACH MONTH
15 TO PAY THE COURT ORDERED RESTITUTION.

16 Sec. 2. Section 31-254, Arizona Revised Statutes, is amended to read:

17 31-254. Compensation for labor performed; price of prison made
18 articles; distribution of earnings; workers'
19 compensation

20 A. Each prisoner who is engaged in productive work in any state prison
21 or institution under the jurisdiction of the department or a private prison
22 under contract with the department as a part of the prison industries program
23 shall receive for the prisoner's work the compensation that the director
24 determines. The compensation shall be in accordance with a graduated
25 schedule based on quantity and quality of work performed and skill required
26 for its performance but shall not exceed fifty cents per hour unless the
27 prisoner is employed in an Arizona correctional industries program pursuant
28 to title 41, chapter 11, article 3. If the director enters into a contract
29 pursuant to section 41-1624.01 with a private person, firm, corporation or
30 association the director shall prescribe prisoner compensation of at least
31 two dollars per hour. Compensation shall not be paid to prisoners for
32 attendance at educational training or treatment programs, but compensation
33 may be paid for work training programs.

34 B. Whenever a price is fixed for any article, material, supply or
35 ~~services~~ SERVICE to be produced, manufactured, supplied or performed in
36 connection with the industries program of the department, the compensation
37 paid to prisoners shall be included as an item of cost in fixing the price.

38 C. The compensation of prisoners shall be paid out of the fund
39 established pursuant to section 41-1624 or out of funds appropriated for that
40 purpose by the legislature when required.

41 D. If the compensation due a prisoner is less than two dollars per
42 hour, mandatory deductions shall be taken for the following purposes in the
43 order specified:

1 1. Twenty-five per cent of the prisoner's gross wages until the
2 prisoner's dedicated discharge account registers a fifty dollar balance.

3 2. If the prisoner initiates a lawsuit, twenty per cent from all
4 deposits to the prisoner's spendable account until the court fees are
5 collected in full.

6 3. If the prisoner was convicted of a violation of title 13, chapter
7 34, eight per cent of the prisoner's wages shall be used exclusively to fund
8 the transition ~~office~~ OFFICES established by section 31-283. All monies
9 collected under this paragraph shall be deposited, pursuant to sections
10 35-146 and 35-147, in the transition office fund established by section
11 31-284.

12 ~~4. If a court has ordered the prisoner to pay restitution pursuant to~~
13 ~~section 13-603, thirty per cent of the prisoner's compensation shall be spent~~
14 ~~for the court ordered restitution.~~

15 ~~5.~~ 4. Thirty per cent of the prisoner's wages for court ordered
16 dependent care.

17 E. If the compensation due a prisoner equals or exceeds two dollars
18 per hour, the director shall credit to the prisoner's spendable account
19 established pursuant to section 31-230 an amount equaling fifty cents per
20 hour for each hour compensation is due plus ten per cent of the adjusted
21 balance remaining after the mandatory deductions are taken. Mandatory
22 deductions shall be taken for the following purposes in the order specified:

23 1. Twenty-five per cent of the prisoner's gross wages until the
24 prisoner's dedicated discharge account registers a fifty dollar balance.

25 ~~2. If a court has ordered the prisoner to pay restitution, thirty per~~
26 ~~cent of the prisoner's compensation shall be expended for the court ordered~~
27 ~~restitution.~~

28 ~~3.~~ 2. If the prisoner initiates a lawsuit, twenty per cent from all
29 deposits to the prisoner's spendable account until the court costs are
30 collected in full.

31 ~~4.~~ 3. Thirty per cent of the prisoner's wages for the room and board
32 costs of maintaining the prisoner at the facility.

33 ~~5.~~ 4. Thirty per cent of the prisoner's wages for court ordered
34 dependent care.

35 F. After the mandatory deductions and obligations are paid by the
36 prisoner, the remaining monies shall be credited to the prisoner's retention
37 account established by the director pursuant to section 31-261, subsection B.

38 G. A prisoner may gain access to the prisoner's trust fund or
39 retention account for emergency purposes at the sole discretion of the
40 director.

41 H. Any monies not expended from the contributing prisoner's trust fund
42 or retention account for the purposes prescribed in subsection E of this
43 section shall be paid to the prisoner ~~upon~~ ON release pursuant to section
44 31-228.

1 I. If any prisoner escapes, the director shall determine what portion
2 of the prisoner's earnings shall be forfeited, and the forfeited amount shall
3 be deposited in the special services fund established by section 41-1604.03.

4 J. This section is not intended to restore, in whole or in part, the
5 civil rights of any prisoner. No prisoner who is compensated under this
6 section shall be considered to be an employee of or employed by this state,
7 the department or any private person, firm, corporation or association
8 engaged in a contract pursuant to section 41-1624.01, and the prisoner does
9 not come within any of the provisions of the workers' compensation provided
10 in title 23, chapter 6 and is not entitled to any benefits under title 23,
11 chapter 6 whether on behalf of the prisoner or of any other person. This
12 subsection does not apply to prisoners who are employed pursuant to a
13 federally certified prison industry enhancement program established pursuant
14 to section 41-1674.

15 Sec. 3. Section 31-261, Arizona Revised Statutes, is amended to read:
16 31-261. Sale or exchange of products of individual prisoners

17 A. Products of individual prisoner enterprise, hobby, craft or art may
18 be marketed to the public.

19 B. The director is authorized to establish a trust fund, or retention
20 account, for the administration of the marketing programs prescribed by ~~the~~
21 ~~terms of~~ subsection A of this section or participation in other approved
22 programs, the proceeds of which shall be distributed to the special service
23 fund and the contributing prisoner's account. The fund shall be separate
24 from funds appropriated by the legislature to department support and
25 maintenance.

26 C. Notwithstanding ~~the provisions of~~ section 31-204, the provision for
27 marketing products of prisoner or inmate ingenuity, skill or patent, as
28 prescribed by the terms of this section, shall be permitted under formal
29 rules to be published by the director.

30 D. IF THE COURT HAS ORDERED THE PRISONER TO PAY RESTITUTION PURSUANT
31 TO SECTION 13-603, THE DIRECTOR SHALL WITHDRAW A MINIMUM OF TWENTY PER CENT,
32 OR THE BALANCE OWING ON THE RESTITUTION AMOUNT, UP TO A MAXIMUM OF FIFTY PER
33 CENT OF THE MONIES AVAILABLE IN THE PRISONER'S TRUST FUND OR RETENTION
34 ACCOUNT EACH MONTH TO PAY THE COURT ORDERED RESTITUTION.