

REFERENCE TITLE: prisoners; transition programs

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2583

Introduced by
Representative Konopnicki

AN ACT

AMENDING SECTIONS 31-254 AND 31-284, 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 31-254, Arizona Revised Statutes, is amended to
3 read:

4 31-254. Compensation for labor performed; price of prison made
5 articles; distribution of earnings; workers'
6 compensation

7 A. Each prisoner who is engaged in productive work in any state prison
8 or institution under the jurisdiction of the department or a private prison
9 under contract with the department as a part of the prison industries program
10 shall receive for the prisoner's work the compensation that the director
11 determines. The compensation shall be in accordance with a graduated
12 schedule based on quantity and quality of work performed and skill required
13 for its performance but shall not exceed fifty cents per hour unless the
14 prisoner is employed in an Arizona correctional industries program pursuant
15 to title 41, chapter 11, article 3. If the director enters into a contract
16 pursuant to section 41-1624.01 with a private person, firm, corporation or
17 association the director shall prescribe prisoner compensation of at least
18 two dollars per hour. Compensation shall not be paid to prisoners for
19 attendance at educational training or treatment programs, but compensation
20 may be paid for work training programs.

21 B. Whenever a price is fixed for any article, material, supply or
22 service to be produced, manufactured, supplied or performed in connection
23 with the industries program of the department, the compensation paid to
24 prisoners shall be included as an item of cost in fixing the price.

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

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

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

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

36 3. If the prisoner was not convicted of a violation of title 28,
37 chapter 4, five per cent of the prisoner's GROSS wages shall be used
38 exclusively to fund the transition offices established by section 31-283.
39 All monies collected under this paragraph shall be deposited, pursuant to
40 sections 35-146 and 35-147, in the transition office fund established by
41 section 31-284.

42 4. Thirty per cent of the prisoner's GROSS wages for court ordered
43 dependent care.

44 E. If the compensation due a prisoner equals or exceeds two dollars
45 per hour, the director shall credit to the prisoner's spendable account

1 established pursuant to section 31-230 an amount equaling fifty cents per
2 hour for each hour compensation is due plus ten per cent of the adjusted
3 balance remaining after the mandatory deductions are taken. Mandatory
4 deductions shall be taken for the following purposes in the order specified:

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

7 2. If the prisoner initiates a lawsuit, twenty per cent from all
8 deposits to the prisoner's spendable account until the court costs are
9 collected in full.

10 3. IF THE PRISONER WAS NOT CONVICTED OF A VIOLATION OF TITLE 28,
11 CHAPTER 4, FIVE PER CENT OF THE PRISONER'S GROSS WAGES SHALL BE USED TO
12 EXCLUSIVELY FUND THE TRANSITION OFFICES ESTABLISHED BY SECTION 31-283. ALL
13 MONIES COLLECTED UNDER THIS PARAGRAPH SHALL BE DEPOSITED, PURSUANT TO
14 SECTIONS 35-146 AND 35-147, IN THE TRANSITION OFFICE FUND ESTABLISHED BY
15 SECTION 31-284.

16 ~~3.~~ 4 Thirty per cent of the prisoner's GROSS wages for the room and
17 board costs of maintaining the prisoner at the facility.

18 ~~4.~~ 5. Thirty per cent of the prisoner's GROSS wages for court ordered
19 dependent care.

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

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

26 H. Any monies not expended from the contributing prisoner's trust fund
27 or retention account for the purposes prescribed in subsection E of this
28 section shall be paid to the prisoner on release pursuant to section 31-228.

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

32 J. This section is not intended to restore, in whole or in part, the
33 civil rights of any prisoner. No prisoner who is compensated under this
34 section shall be considered to be an employee of or employed by this state,
35 the department or any private person, firm, corporation or association
36 engaged in a contract pursuant to section 41-1624.01, and the prisoner does
37 not come within any of the provisions of the workers' compensation provided
38 in title 23, chapter 6 and is not entitled to any benefits under title 23,
39 chapter 6 whether on behalf of the prisoner or of any other person. This
40 subsection does not apply to prisoners who are employed pursuant to a
41 federally certified prison industry enhancement program established pursuant
42 to section 41-1674.

1 Sec. 2. Section 31-284, Arizona Revised Statutes, is amended to read:
2 31-284. Transition office fund
3 The transition office fund is established consisting of the monies
4 collected pursuant to section 31-254, subsection D, paragraph 3 **AND**
5 **SUBSECTION E, PARAGRAPH 3**. The department shall administer the fund to pay
6 for costs related to the transition office. Monies in the fund are subject
7 to legislative appropriation and are exempt from the provisions of section
8 35-190 relating to lapsing of appropriations.