Senate Engrossed House Bill

FILED

JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
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Forty-eighth Legislature
First Regular Session
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CHAPTER 247

HOUSE BILL 2298

AN ACT

AMENDING SECTIONS 31-254, 31-281, 31-282, 31-285, 31-286, 41-1604.07, 41-1609.05 AND 42-3106, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 11, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1609.06; RELATING TO PRISONERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 31-254, Arizona Revised Statutes, is amended to read:

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

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

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

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

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

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

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

3. If the prisoner was NOT convicted of a violation of title ~~13~~ 28, chapter ~~34~~ 4, ~~eight~~ FIVE per cent of the prisoner's wages shall be used exclusively to fund the transition ~~office~~ OFFICES established by section 31-283. All monies collected under this paragraph shall be deposited, pursuant to sections 35-146 and 35-147, in the transition office fund established by section 31-284.

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 2. Section 31-281, Arizona Revised Statutes, is amended to read:

31-281. Transition program; drug offenders; report

A. The department shall establish a transition program. The department shall contract with any private or nonprofit entity to provide eligible inmates with transition services and shall procure transition services pursuant to title 41, chapter 23.

B. The director shall adopt rules to implement this article. The rules shall include:

1. Eligibility criteria for receiving the contracted entity's transition services. To be eligible, at a minimum, an inmate shall:

(a) Be convicted of a violation of title 13, chapter 34, except that an inmate who was convicted of a violation of title 13, chapter 14 or 17 or an offense involving death or physical injury or the use of a deadly weapon or dangerous instrument is not eligible to participate in the transition program.

(b) BE CLASSIFIED BY THE STATE DEPARTMENT OF CORRECTIONS AS A LOW RISK TO THE COMMUNITY.

(c) NOT HAVE BEEN CONVICTED OF A VIOLENT CRIME AS DEFINED IN SECTION 13-604.04.

(d) HAVE A NONVIOLENT RISK SCORE AS DETERMINED BY THE DEPARTMENT.

~~(b)~~ (e) ~~Be free of~~ NOT HAVE any ~~unresolved~~ FELONY detainers.

~~(c)~~ (f) Agree in writing to provide specific information after the inmate is released. The department shall use the information to prepare the report prescribed by subsection D, paragraph 3 of this section.

(g) HAVE MADE SATISFACTORY PROGRESS ON THE INMATE'S INDIVIDUALIZED CORRECTIONS PLAN AS DETERMINED BY THE DEPARTMENT.

(h) HAVE MAINTAINED CIVIL BEHAVIOR WHILE INCARCERATED AS DETERMINED BY THE DEPARTMENT.

(i) BE CURRENT ON RESTITUTION PAYMENTS PURSUANT TO SECTION 31-254.

(j) HAVE A NEED AND ABILITY TO BENEFIT FROM THE PROGRAM AS DETERMINED BY THE DEPARTMENT.

2. A requirement that the contracted entity train mentors or certify that mentors are trained.

3. The services that may be offered to an inmate.

4. THE CRITERIA FOR INMATES TO PARTICIPATE IN A THREE MONTH EARLY RELEASE PROGRAM. INMATES ARE NOT REQUIRED TO RECEIVE AN EARLY RELEASE.

5. A REQUIREMENT THAT AN INMATE MAY BE RELEASED PURSUANT TO THIS ARTICLE ONLY AFTER THE VICTIM HAS BEEN PROVIDED NOTICE AND AN OPPORTUNITY TO BE HEARD. THE DEPARTMENT SHALL PROVIDE NOTICE TO A VICTIM WHO HAS PROVIDED A CURRENT ADDRESS OR OTHER CONTACT INFORMATION. THE NOTICE SHALL INFORM THE VICTIM OF THE OPPORTUNITY TO BE HEARD ON THE EARLY RELEASE. ANY OBJECTION TO THE INMATE'S EARLY RELEASE MUST BE MADE WITHIN TWENTY DAYS AFTER THE DEPARTMENT HAS MAILED THE NOTICE TO THE VICTIM.

C. In awarding contracts under this section the department shall comply with section 41-3751.

D. The department shall:

1. conduct an annual study to determine the recidivism rate of persons who receive the contracted entity's services pursuant to this article.

2. Evaluate the inmate and shall provide the information to the contracted entity. The contracted entity shall make the final determination of program eligibility.

3. Submit a written report to the governor, the president of the senate and the speaker of the house of representatives on or before ~~December~~ JULY 31 of each year and provide a copy of this report to the secretary of state and the director of the Arizona state library, archives and public records. The report shall contain the following information:

(a) The recidivism rate of persons who receive services pursuant to this article.

(b) The number of persons who received services pursuant to this article.

(c) The number of persons who were not provided services pursuant to this article and who were on a list waiting to receive services.

(d) The types of services provided.

(e) The number of persons who received each type of service provided.

Sec. 3. Section 31-282, Arizona Revised Statutes, is amended to read:

31-282. Contracted entities; duties; services; definition

A. The entity that contracts with the department to provide transition services pursuant to this article shall coordinate all services provided by the entity with the department.

B. The contracted entity shall establish a network that may include community and faith-based organizations to make mentoring services and assistance available to eligible persons before and after eligible persons are released from confinement UP TO EACH ELIGIBLE PERSON'S COMMUNITY SUPERVISION END DATE. A contracted entity may provide the following services to eligible persons:

1. Assistance in placing the person in employment.

2. Assistance in placing the person in job training.

3. Assistance with finding other transitional needs, including housing, food or treatment services.

4. Assistance in finding health insurance coverage for the person and, if applicable, medical assistance, including assistance in finding necessary medication.

5. Mentoring services from the network established pursuant to this subsection.

C. The contracted entity shall coordinate with the department to assist in placing eligible persons in appropriate training programs that may include basic or continuing education courses, anger management,

communication skills, drug treatment, alcohol treatment, ~~or~~ character education OR FAMILY REUNIFICATION.

D. For the purposes of this section, "eligible person" means a person who is eligible to receive transition services BASED ON THE PERSON'S RISK AND NEED as determined by the director pursuant to section 31-281.

Sec. 4. Section 31-285, Arizona Revised Statutes, is amended to read:

31-285. Transition program release; report

A. ~~Beginning on January 1, 2004,~~ An inmate who enters a transition program pursuant to this article shall be released from confinement three months earlier than the inmate's earliest release date BASED ON THE INMATE'S RISK AND NEED AND RULES ADOPTED PURSUANT TO SECTION 31-281. AN INMATE WHO THE DIRECTOR DETERMINES HAS PARTICIPATED IN THE PROGRAM BUT WHO IS NOT LOW RISK SHALL NOT BE RELEASED FROM CONFINEMENT EARLIER THAN THE INMATE'S EARLIEST RELEASE DATE.

B. The department shall prepare a quarterly report that details the cost reductions to the department that are directed to the transition program pursuant to this article AND THE NUMBER OF PARTICIPANTS WHO DID NOT RECEIVE AN EARLY RELEASE UNDER THE TRANSITION PROGRAM. The reduction rate shall equal at least seventeen dollars per inmate per day. The department shall submit a copy of its report to the governor, the president of the senate and the speaker of the house of representatives and shall provide a copy of this report to the director of the joint legislative budget committee, the secretary of state and the director of the Arizona state library, archives and public records.

C. The state treasurer shall deposit any cost reductions that are identified pursuant to subsection B of this section in the transition program drug treatment fund established by section 31-286 for the purpose of providing transitional services.

Sec. 5. Section 31-286, Arizona Revised Statutes, is amended to read:

31-286. Transition program drug treatment fund

A. The transition program drug treatment fund is established consisting of monies ~~distributed pursuant to section 42-3106, subsection C and monies~~ deposited pursuant to section 31-285, subsection C.

B. The department shall administer the fund and shall distribute fund monies to entities that provide transition services to nonviolent drug offenders. Monies in the fund are subject to legislative appropriation and are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

Sec. 6. Section 41-1604.07, Arizona Revised Statutes, is amended to read:

41-1604.07. Earned release credits; forfeiture; restoration

A. Pursuant to rules adopted by the director, each prisoner WHO IS in the eligible earned release credit class shall be allowed an earned release credit of one day for every six days served, including time served in county

jails, except for those prisoners who are sentenced to serve the full term of imprisonment imposed by the court.

B. Release credits earned by a prisoner pursuant to subsection A of this section shall not reduce the term of imprisonment imposed by the court on the prisoner.

C. On reclassification of a prisoner resulting from the prisoner's failure to adhere to the rules of the department or failure to demonstrate a continual willingness to volunteer for or successfully participate in a work, educational, treatment or training program, the director may declare all release credits earned by the prisoner forfeited. In the discretion of the director forfeited release credits may subsequently be restored. The director shall maintain an account of release credits earned by each prisoner.

D. A prisoner who has reached the prisoner's earned release date or sentence expiration date shall be released to begin the prisoner's term of community supervision imposed by the court or term of probation if the court waived community supervision pursuant to section 13-603, except that the director may deny or delay the prisoner's release to community supervision or probation if the director believes the prisoner may be a sexually violent person as defined in section 36-3701 until the screening process is complete and the director determines that the prisoner will not be referred to the county attorney pursuant to section 36-3702. If the term of community supervision is waived, the state department of corrections shall provide reasonable notice to the probation department of the scheduled release of the prisoner from confinement by the department. If the court waives community supervision, the director shall issue the prisoner an absolute discharge on the prisoner's earned release credit date. A prisoner who is released on the earned release credit date to serve a term of probation is not under the control of the state department of corrections when community supervision has been waived and the state department of corrections is not required to provide parole services.

E. Notwithstanding subsection D of this section, a prisoner who fails to achieve functional literacy at an eighth grade literacy level shall not be released to begin the prisoner's term of community supervision until either the prisoner achieves an eighth grade functional literacy level as measured by standardized assessment testing or the prisoner serves the full term of imprisonment imposed by the court, whichever first occurs. This subsection does not apply to inmates who ~~are any of the following~~ EITHER:

1. ARE unable to meet the functional literacy standard required by section 31-229.02, subsection A, due to a medical, developmental or learning disability as described in section 31-229, subsection C.

2. ARE classified as level five offenders.

3. ARE foreign nationals.

4. ~~Inmates who~~ Have less than six months incarceration to serve on commitment to the department.

F. The department shall establish conditions of community supervision it deems appropriate in order to ensure that the best interests of the prisoner and the citizens of this state are served. AS A CONDITION OF COMMUNITY SUPERVISION THE DIRECTOR MAY ORDER A RELEASED PRISONER TO PARTICIPATE IN AN APPROPRIATE DRUG TREATMENT OR EDUCATION PROGRAM THAT IS ADMINISTERED BY A QUALIFIED AGENCY, ORGANIZATION OR INDIVIDUAL APPROVED BY THE DEPARTMENT OF HEALTH SERVICES AND THAT PROVIDES TREATMENT OR EDUCATION TO PERSONS WHO ABUSE CONTROLLED SUBSTANCES. EACH PERSON WHO IS ENROLLED IN A DRUG TREATMENT OR EDUCATION PROGRAM SHALL PAY FOR THE COST OF PARTICIPATION IN THE PROGRAM TO THE EXTENT OF THE PERSON'S FINANCIAL ABILITY. ~~These~~ ADDITIONAL conditions may include participation in a rehabilitation program or counseling and performance of community restitution work, except that if the prisoner was convicted of a violation of sexual conduct with a minor under fifteen years of age or molestation of a child under fifteen years of age, the department shall impose as a condition of community supervision a prohibition on residing within four hundred forty feet of a school or its accompanying grounds. If a prisoner who reaches the prisoner's earned release credit date refuses to sign and agree to abide by the conditions of supervision before release on community supervision, the prisoner shall not be released. When the prisoner reaches the sentence expiration date, the prisoner shall be released to begin the term of community supervision. If the prisoner refuses to sign and agree to abide by the conditions of release, the prisoner shall not be released on the sentence expiration date and shall serve the term of community supervision in prison. The department is required to supervise any ~~offender~~ PRISONER on community supervision until the period of community supervision expires. The department may bring ~~an offender~~ A PRISONER WHO IS in violation of the ~~offender's~~ PRISIONER'S terms and conditions before the board of executive clemency. For the purposes of this subsection, "school" means any public, charter or private school where children attend classes.

G. The director pursuant to rules adopted by the department shall authorize the release of any prisoner on the prisoner's earned release credit date to serve any consecutive term imposed on the prisoner. The release shall be for the sentence completed only. The prisoner shall remain under the custody and control of the department. The director may authorize the rescission of the release to any consecutive term if the prisoner fails to adhere to the rules of the department.

H. If a prisoner absconds from community supervision, any time spent before the prisoner is returned to custody is excluded in calculating the remaining period of community supervision.

I. A prisoner shall forfeit five days of the prisoner's earned release credits:

1. If the court finds or a disciplinary hearing held after a review by and recommendations from the attorney general's office determines that the prisoner does any of the following:

(a) Brings a claim without substantial justification.

(b) Unreasonably expands or delays a proceeding.

(c) Testifies falsely or otherwise presents false information or material to the court.

(d) Submits a claim that is intended solely to harass the party it is filed against.

2. For each time the prisoner tests positive for any prohibited drugs during the period of time the prisoner is incarcerated.

J. If the prisoner does not have five days of earned release credits, the prisoner shall forfeit the prisoner's existing earned release credits and shall be ineligible from accruing earned release credits until the number of earned release credits the prisoner would have otherwise accrued equals the difference between five days and the number of existing earned release credit days the prisoner forfeits pursuant to this section.

K. The director may authorize temporary release on inmate status of eligible inmates pursuant to rules adopted by the director within ninety days of any other authorized release date. The release authorization applies to any inmate who has been convicted of a drug offense, who has been determined to be eligible for participation in the transition program pursuant to section 31-281 and who has agreed to participate in the transition program.

Sec. 7. Section 41-1609.05, Arizona Revised Statutes, is amended to read:

41-1609.05. <u>Community accountability pilot program; fund; program termination; definition</u>

A. The department shall contract with an experienced private or nonprofit entity to operate a community accountability pilot program to provide eligible inmates with supervision and treatment services. The department shall procure community accountability services pursuant to chapter 23 of this title.

B. ~~The pilot program shall initially provide services to not more than one thousand eligible inmates. At the end of the second year of the pilot program, the program shall provide services to not more than two thousand eligible inmates. The program shall provide services that are designed to lower recidivism rates by providing intensive monitoring and specific treatment.~~ Inmates ~~shall enroll~~ ENROLLED in the program ~~for at least ninety days unless~~ MAY BE removed by the director pursuant to subsection E of this section.

C. The goals of the community accountability pilot program include:

1. Reducing recidivism.

2. Providing treatment and rehabilitation services BASED ON THE INMATE'S RISK FOR RECIDIVISM AND NEED FOR TREATMENT.

3. Providing supervision through electronic monitoring BASED ON THE INMATE'S RISK FOR RECIDIVISM AND NEED FOR SUPERVISION.

4. Preparing eligible inmates for independent living following community supervision.

5. Enhancing public safety.

D. The community accountability pilot program may provide SERVICES TO ELIGIBLE INMATES THAT ARE DESIGNED TO LOWER RECIDIVISM RATES, INCLUDING the following community based services ~~to eligible inmates~~:

1. Substance abuse education and treatment.
2. Random mandatory drug testing.
3. Electronic monitoring, remote alcohol testing, global positioning system tracking and voice identification community tracking.
4. Life skills programming.
5. Employment preparation.
6. Anger management.
7. Parenting skills ~~and~~, family orientation AND FAMILY REUNIFICATION.
8. Cognitive skills training.
9. General equivalency diplomas and adult basic education.
10. Housing assistance.
11. Health care and stress management.
12. Transportation planning.
13. Group and individual counseling.

E. The director shall identify inmates who are eligible for the community accountability pilot program and shall determine all supervision, admission and termination requirements. The director may remove an inmate from the program. The director may order an eligible inmate to participate in the program in lieu of parole or community supervision revocation OR IF THE INMATE IS AT RISK OF VIOLATING OR REVOCATION OF PAROLE OR COMMUNITY SUPERVISION.

F. The contracting entity shall operate the program, including the management of any facility and its staff, the design of the program and the installation and maintenance of all equipment necessary for operation of any facility. Facilities that are established and operated under the pilot program shall be known as community accountability reporting centers. The contracting entity shall use existing risk assessment scores utilized by the department to establish ~~three levels of behavior modification and~~ treatment services BASED ON THE INMATE'S RISK AND NEED. ~~On initial entrance into the program, an eligible inmate shall be placed in level one.~~ Case managers shall provide monthly reports to the eligible inmate's supervising officer, except that a violation shall be reported within twenty-four hours.

~~G. The contracting entity shall not provide housing for eligible inmates who participate in the pilot program. The department may require the contracting entity to provide guidance and counseling to participating eligible inmates who require assistance in locating and obtaining housing.~~

~~H.~~ G. After an eligible inmate has been in the program for sixty days or more, the department may require as a condition of program participation that the eligible inmate pay a supervision fee, unless the inmate is determined to be indigent. The case manager shall monitor the collection of the fee. Monies collected pursuant to this subsection shall be deposited,

pursuant to sections 35-146 and 35-147, in the community accountability fund established pursuant to subsection ~~I~~ H of this section.

~~I.~~ H. The community accountability fund is established consisting of fees collected pursuant to subsection ~~H~~ G of this section. The director shall administer the fund for the purposes of this section. Monies in this fund are continuously appropriated.

~~J.~~ I. During ~~the first~~ EACH year of operation of the pilot program, the contracting entity shall provide monthly reports to the department and the joint legislative budget committee. ~~Beginning in the second year of the pilot program, the contracting entity shall report at least annually to the department and the joint legislative budget committee.~~

~~K.~~ J. The pilot program established by this section ends on July 1, ~~2009~~ 2012 pursuant to section 41-3102.

~~L. This section does not prohibit the department from offering housing to eligible inmates.~~

~~M.~~ K. For the purposes of this section, "eligible inmate" means an inmate who is on community supervision or who is eligible for community supervision and who has not been convicted of a violent ~~offense~~ CRIME as defined in section 13-604.04, a dangerous crime against children as defined in section 13-604.01 or a sexual offense pursuant to title 13, chapter 14 or 35.1.

Sec. 8. Title 41, chapter 11, article 1, Arizona Revised Statutes, is amended by adding section 41-1609.06, to read:

41-1609.06. Teaching offenders to live program

A. AS A COMPONENT OF THE COMMUNITY ACCOUNTABILITY PILOT PROGRAM ESTABLISHED BY SECTION 41-1609.05, THE DEPARTMENT SHALL OFFER A TEACHING OFFENDERS TO LIVE PROGRAM TO ELIGIBLE INMATES IN ONE OR MORE PRISON LOCATIONS AS DETERMINED BY THE DEPARTMENT AS A RELAPSE PREVENTION AND EDUCATION PROGRAM.

B. THE GOALS OF THE PROGRAM INCLUDE REDUCING INCIDENTS OF AN INMATE'S RELAPSE, REVOCATION OF COMMUNITY SUPERVISION AND RECIDIVISM BY:

1. PROVIDING EVIDENCE BASED TREATMENT AND RELAPSE PREVENTION SERVICES.

2. PREPARING ELIGIBLE INMATES FOR INDEPENDENT LIVING FOLLOWING COMMUNITY SUPERVISION.

3. ENHANCING PUBLIC SAFETY.

C. AN ELIGIBLE INMATE SHALL PARTICIPATE IN THE PROGRAM DURING THE PERIOD OF TIME FOLLOWING THE INMATE'S RETURN TO CUSTODY WITH A WARRANT FOR A VIOLATION OF THE OFFENDER'S CONDITIONS OF SUPERVISION AND BEFORE THE OFFENDER'S COMMUNITY SUPERVISION REVOCATION HEARING IS HELD BY THE BOARD OF EXECUTIVE CLEMENCY.

D. AT THE REVOCATION HEARING THE DEPARTMENT MAY ADVOCATE FOR THE INMATE'S CONTINUANCE ON COMMUNITY SUPERVISION IF THE INMATE HAS GRADUATED FROM THE PROGRAM AND IS OTHERWISE IN COMPLIANCE WITH THE DIRECTOR'S RULES.

E. THE BOARD OF EXECUTIVE CLEMENCY SHALL MAKE THE FINAL DECISION TO RELEASE THE INMATE.

Sec. 9. Section 42-3106, Arizona Revised Statutes, is amended to read:

42-3106. Monies allocated to the drug treatment and education fund; state department of corrections revolving fund

A. Notwithstanding any law to the contrary, seven per cent of the monies collected pursuant to section 42-3052, paragraph 1 and eighteen per cent of the monies collected pursuant to section 42-3052, paragraphs 2, 3 and 4 shall be deposited in the drug treatment and education fund established by section 13-901.02.

B. Notwithstanding any law to the contrary, three per cent of the monies collected pursuant to section 42-3052, paragraph 1 and seven per cent of the monies collected pursuant to section 42-3052, paragraphs 2, 3 and 4 shall be deposited in a separate revolving fund of the state department of corrections.

~~C. Notwithstanding any law to the contrary, for fiscal year 2003-2004, five hundred thousand dollars of the monies deposited in the separate revolving fund of the state department of corrections pursuant to subsection B of this section shall be distributed to the transition program drug treatment fund established by section 31-286.~~

~~D.~~ C. ~~For fiscal year 2003-2004 and thereafter, any remaining~~ Monies in the separate revolving fund of the state department of corrections ~~after distribution to the transition program drug treatment fund~~ shall be used for the FOLLOWING purposes ~~of both~~:

1. Implementing section 31-411.01.

2. Offender participation in appropriate drug treatment or education programs that are administered by a qualified agency, organization or individual and that are approved by the department of health services for offenders who the state department of corrections determines have a history of substance abuse and who have been released from confinement.

~~E.~~ D. Monies that are deposited in the state department of corrections revolving fund pursuant to subsection B of this section shall not revert to the state general fund if unexpended at the close of the fiscal year.

~~F.~~ E. If the state department of corrections receives a federal grant, any portion of the monies that are deposited pursuant to subsection B of this section may be used as a cash match.

APPROVED BY THE GOVERNOR JUNE 13, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 14, 2007.