



**Bill Summary: Arizona Earned Time Credit and Good Time Credit
HB 2753, Rep. Diego Rodriguez (D-27)**

Bill Purpose: If passed, HB 2753 would increase the amount of earned time credit and good time credit most people in Arizona's state prisons can earn off their sentences.

FAMM's Position on the Bill: FAMM supports HB 2753. FAMM believes every person coming home from prison someday should be allowed to earn time off their sentences as an incentive for their good behavior and rehabilitation. HB 2753 is an improvement on current Arizona law and will help thousands of people and families be reunited sooner after prison.

Bill Status: This bill is not a law yet. To become law, this bill must go through the committee process, pass through both the Senate and House, and be signed by the governor.

Who Would This Bill Apply To?: If passed, HB 2753 would apply to all people sentenced after the bill goes into effect on the date the governor signs it into law. The bill is not explicitly retroactive. FAMM will urge lawmakers to make sure that HB 2753 would apply to people who are in prison now.

What the Bill Would Do: Under current law, everyone in Arizona prisons must serve at least 85 percent of the sentence imposed, and people convicted of drug possession may earn an additional 15 percent off their sentences if they complete a drug treatment program during their sentences. **If passed, HB 2753 would**

1. Remove the requirement that a person have achieved functional literacy at an eighth grade reading level to be eligible for either earned time credits or the 90-day pre-release transition program for drug offenders (described in ARS 31-281);
2. Allow people in prison to earn good time credits (see chart below) if they
 - Are not serving a sentence for a dangerous crime against children (see ARS 13-705);
 - Have not had a serious infraction of DOC rules or regulations;
 - Have not violated any Arizona state law while in prison;
 - Have performed any duties assigned to him or her in prison; AND
 - Are not sentenced to serve the full term of imprisonment; and
3. Change the amount of earned time credits that prisoners can earn, and create good time credit, as follows:

Earned Time Credit and Good Time Credit Under HB 2753

Person convicted of...	Earned time credit is...	Good time credit is...
Possession or use of marijuana pursuant to ARS section 13-3405(A)(1), possession or use of a dangerous drug pursuant to section 13-3407(A)(1), possession or use of a narcotic drug pursuant to section 13-3408(A)(1), or the possession of drug paraphernalia pursuant to section 13-3415, AND the person (1) Has successfully completed a drug treatment program or other major self-improvement program provided by the DOC during the prisoner's term of imprisonment, AND (2) Has not previously been convicted of a violent or aggravated felony (listed in section 13-706).*	30% (3 days for every 7 days served)	40% (13 days for every 20 days served)
Dangerous crimes against children (listed in ARS 13-705°)	15% (1 day for every 6 days served)	None
A dangerous offense as described in ARS 13-704	30% (3 days for every 7 days served)	20% (5 days for every 20 days served)
An offense not listed above in this chart, OR a term of imprisonment being served for a revocation of probation or community supervision	25% (1 day for every 3 days served)	33% (10 days for every 20 days served)

° **Note: “Dangerous crimes against children” include any of the following offenses:** that is committed against a minor who is under fifteen years of age: (a) Second degree murder; (b) Aggravated assault resulting in serious physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument; (c) Sexual assault; (d) Molestation of a child; (e) Sexual conduct with a minor; (f) Commercial sexual exploitation of a minor; (g) Sexual exploitation of a minor; (h) Child abuse as prescribed in section 13-3623, subsection A, paragraph 1; (i) Kidnapping; (j) Sexual abuse; (k) Taking a child for the purpose of prostitution as prescribed in section 13-3206; (l) Child sex trafficking as prescribed in section 13-3212; (m) Involving or using minors in drug offenses; (n) Continuous sexual abuse of a child; (o) Attempted first degree murder; (p) Sex trafficking; (q) Manufacturing methamphetamine under circumstances that cause physical injury to a minor; (r) Bestiality as prescribed in section 13-1411, subsection A, paragraph 2; (s) Luring a minor for sexual exploitation; (t) Aggravated luring a minor for sexual exploitation; (u) Unlawful age misrepresentation; (v) Unlawful mutilation; (w) Sexual extortion as prescribed in section 13-1428.

***Note: “Violent or aggravated felony” includes any of the following offenses:** (a) First degree murder; (b) Second degree murder; (c) Aggravated assault resulting in serious physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument; (d) Dangerous or deadly assault by prisoner; (e) Committing assault with intent to incite to riot or participate in riot; (f) Drive by shooting; (g) Discharging a firearm at a residential structure if the structure is occupied; (h) Kidnapping; (i) Sexual conduct with a minor that is a class 2 felony; (j) Sexual assault; (k) Molestation of a child; (l) Continuous sexual abuse of a child; (m) Violent sexual assault; (n) Burglary in the first degree committed in a residential structure if the structure is occupied; (o) Arson of an occupied structure; (p) Arson of an occupied jail or prison facility; (q) Armed robbery; (r) Participating in or assisting a criminal syndicate or leading or participating in a criminal street gang; (s) Terrorism; (t) Taking a child for the purpose of prostitution; (u) Child sex trafficking; (v) Commercial sexual exploitation of a minor; (w) Sexual exploitation of a minor; (x) Unlawful introduction of disease or parasite as prescribed by section 13-2912, subsection A, paragraph 2 or 3.