



**Bill Summary: Arizona Earned Time Credit Increase
HB 2808, Rep. Walt Blackman (R-6)**

Bill Purpose: If passed, HB 2808 would increase the amount of time some people in Arizona’s state prisons can earn off their sentences, if those people complete certain programs.

What the Bill Would Do: If passed, HB 2808 would change current Arizona law regarding earned release credit. If passed, the bill would go into effect on December 31, 2020.

Current law	HB 2808
<p>Everyone in Arizona prisons must serve at least 85 percent of the sentence imposed.</p> <p>People convicted of drug possession may earn an additional 15 percent off their sentences if they complete a drug treatment program during their sentences.</p>	<p>All prisoners eligible for earned time credit receive 15 percent off their sentences (1 day for every 6 days served) AND may receive an additional 15 percent off their sentences (an extra 1.5 days for every 6 days served) if all of the following are true:</p> <ol style="list-style-type: none"> The person does NOT have a prior or current conviction for a “serious offense”* OR a “violent or aggravated felony”*** committed when the person was at least 18 years old OR a “dangerous crime against children”**** OR a similar offense committed in a different jurisdiction; AND The person has a functional literacy level at an eighth grade level, as determined by a standardized test provided by the Arizona Department of Corrections; AND The person successfully completes a drug treatment program OR other major self-improvement program during the person’s sentence OR actively participates for at least 6 months in a DOC-approved correctional industries or work program or intergovernmental agreement; AND The person is eligible for earned time credit and was not sentenced to serve the entire sentence by the court.

Who Would This Bill Apply To?: If passed, HB 2808 would apply to all people in an Arizona state prison on or after the bill goes into effect on December 31, 2020. In other words, **the bill is retroactive.**

FAMM’s Position on the Bill: FAMM supports HB 2808. While FAMM believes every person coming home from prison someday should be allowed to earn time off their sentences for their rehabilitation, HB 2808 is still an improvement on current Arizona law and will help thousands more 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.

*** “Serious offense” includes any of the following offenses, whether attempted or completed:**

(a) First degree murder; (b) Second degree murder; (c) Manslaughter; (d) Aggravated assault resulting in serious physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument; (e) Sexual assault; (f) Any dangerous crime against children; (g) Arson of an occupied structure; (h) Armed robbery; (i) Burglary in the first degree; (j) Kidnapping; (k) Sexual conduct with a minor under fifteen years of age; (l) Child sex trafficking. *See* ARS 13-706(F)(1).

**** “Violent or aggravated felony” includes any of the following offenses, whether attempted or completed:**

(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 ARS 13-2912(A)(2) or (3). *See* ARS 13-706(F)(2).

***** “Dangerous crime against children” includes any of the following offenses, whether attempted or completed, committed against a person under age 15:**

(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 ARS 13-3623(A)(1); (i) Kidnapping; (j) Sexual abuse; (k) Taking a child for the purpose of prostitution as prescribed in ARS 13-3206; (l) Child sex trafficking as prescribed in ARS 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 ARS 13-1411(A)(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 ARS 13-1428. *See* ARS 13-705.