

## SB 1310 Frequently Asked Questions

### 1. What is the statutory authority for the 1310 earned release credits?

*Arizona Revised Statute 41-1604.07. Earned release credits . . .*

### 2. Exactly what is the calculation formula of the earned release credits?

*Three days for every seven days served.*

### 3. What makes an inmate eligible for these earned release credits?

*The inmate must have been sentenced to a term of imprisonment for:*

- *the possession or use of marijuana pursuant to section 13-3405, subsection A, paragraph 1;*
- *the possession or use of a dangerous drug pursuant to section 13-3407, subsection A, paragraph 1;*
- *the possession or use of a narcotic drug pursuant to section 13-3408, subsection A, paragraph 1, or;*
- *the possession of drug paraphernalia pursuant to section 13-3415.*

**\*\*NOTE:** *for each of these offenses, the key point is that the convicted offense was ONLY for “possession and/or use” – any other offense, such as: sales, transportation, manufacturing, etc are NOT eligible for the earned credits. \*\**

**AND:** *The inmate has successfully completed a drug treatment program or other major self-improvement program provided by ADC during the inmate’s current prison term. Major programs are:*

- *Functional Literacy*
- *High School Equivalency (GED)*
- *High School diploma program*
- *Career and technical education (CTE, traditionally known as vocational)*
- *substance abuse treatment*
- *DUI treatment*
- *sex offender treatment.*

**NOTE:** *There are many self-improvement programs that an inmate may complete that are not designated as “major” and DO NOT qualify an inmate for 1310. Some of these are cognitive restructuring, reentry, cultural diversity, anger management, correspondence courses, etc. Also, any inmate peer led program or activity is not considered major and does not qualify an inmate for 1310.*

**AND:** *Has not previously been convicted of a violent or aggravated felony as defined in ARS section 13-706.*

**See:** <https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/13/00706.htm>

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### 4. What if an inmate has additional sentences to those noted in #3 above?

*The inmate can only receive the "3 days for every 7 served" earned release credits for those sentences specified in #3 above. The other sentences would be calculated at the standard one day for every six served rate.*

### 5. Can an inmate be sentenced to one of the offenses mentioned in #3 above and still be determined to be **ineligible** for 1310 earned release credits? If so, why?

*As mentioned in #3, if the offense is determined to be something other than possession or use then the inmate is not eligible for SB 1310 earned release credits. Additionally, if the inmate does have a 1310 eligible sentence but also has other non-eligible sentences, there is the possibility that a non-eligible sentence may have a longer release date that makes the 1310 sentence irrelevant. Besides the requirement to have completed a major program, the inmate cannot have any current or history of an offense listed in the below. Inmates are still required to meet the eligible criteria for the 'TR' (Temporary Release) as identified in D.O. 1002.08. [https://corrections.az.gov/sites/default/files/policies/DI/di\\_374.pdf](https://corrections.az.gov/sites/default/files/policies/DI/di_374.pdf)*

### 6. What if an inmate completed a major program in a prior incarceration period?

*It would have no positive effect on the inmate's eligibility for 1310 earned release credits. Only those major programs completed during the current incarceration period (the most recent period of time of coming to prison) would make the inmate eligible for 1310 earned release credits.*

### 7. What if the inmate already has a GED or high school diploma before coming to prison and does not have any other major program needs?

*To be placed in a major program, the inmate must have a need for it, as identified by ADC. The inmate would not be eligible for 1310 earned release credits if the inmate earned the GED or high school diploma before coming to prison (to include GEDs earned at a county jail or other correctional facility).*

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### 8. What if the inmate does have a need for a major program, but is not currently enrolled in that program? What will ADC do to get the inmate enrolled?

*There are a number of scenarios related to this question.*

- *ADC has implemented processes to prioritize 1310 potentially eligible inmates (otherwise eligible except for not having completed a major program and the inmate has a major program need) over other categories of inmates (e.g., high target to recidivate; priority ranking report).*
- *Some inmates will not be placed in a major program because they do not have time to complete it. For example, substance abuse treatment and CTE programs take a minimum of six (6) months to complete. So, if an inmate has less than that to serve then the inmate would not be placed in the program;*
- *Some inmates will be at a prison unit that may not have the major program the inmate needs. It is possible that the inmate might eventually be transferred to a prison unit that does have it, but ADC will not make specific transfers on that basis. The reason is that there is already a surplus of 1310 inmates needing the major program at those locations with the programs. Transferring additional 1310 inmates in, would only lengthen the waiting period for placement into the program for all inmates.*
  - *NOTE: ADC has limited resources in terms of staff and programming space to offer programs. The reality is that not all inmates who need a major program will have an opportunity to participate in the program – not just those pending 1310 eligibility. Additionally, transfers for security and population management reasons have priority and represent the totality of transfer reasons.*

### 9. Who should the inmate or the family or friends contact in order to request a review of an inmate's possible eligibility for SB 1310?

*No one. Inmates, family, or friends do not need to contact Central Office or Time Comp to request a review for eligibility. This is done automatically based on system programming, which generates a list for Time Comp. The reviews are being completed based on the projected earliest release dates.*