


**ARIZONA DEPARTMENT OF CORRECTIONS
DIRECTOR'S OFFICE**

MEMORANDUM

TO: DISTRIBUTION
FROM: CHARLES L. RYAN 
DATE: June 11, 2019
SUBJECT: Director's Instruction # 374, Earned Release Credit Date Drug Offenses Release

This Director's Instruction is effective **June 8, 2019** and will remain in effect until incorporated into Department Order #1001, Inmate Release System and Department Order #1002, Inmate Release Eligibility System.

PURPOSE:

This Director's Instruction provides criteria and procedures for the release of inmates eligible for the 70 percent Earned Release Credit Date, in accordance with Senate Bill 1310. Earned release credits are awarded three days for every seven days served.

CRITERIA:

- 1.1 For consideration for Drug Possession Earned Release Credits, inmates shall:
 - 1.1.1 Have been convicted of the following:
 - 1.1.1.1 The possession or use of marijuana, as defined in A.R.S. §13-3405, subsection A, paragraph 1.
 - 1.1.1.2 The use of a dangerous drug, as defined in A.R.S. §13-3407, subsection A, paragraph 1.
 - 1.1.1.3 Possession or use of a narcotic drug, as defined in A.R.S. §13-3408, subsection A, paragraph 1.
 - 1.1.1.4 Possession or use of drug paraphernalia, as defined in A.R.S. §13-3415, subsection A.
 - 1.1.2 Have no current or prior convictions for any of the offenses outlined in Attachment A, Section A.
 - 1.1.3 Shall have completed one of the major programs listed below during the current commitment:
 - 1.1.3.1 DUI Treatment (A011)
 - 1.1.3.2 Moderate Treatment (A021)
 - 1.1.3.3 Substance Abuse Treatment (A025)

- 1.1.3.4 Intensive Treatment (A031)
- 1.1.3.5 Functional Literacy (E001)
- 1.1.3.6 Education GED (E003)
- 1.1.3.7 High School (E007)
- 1.1.3.8 Any Correctional Technical Education (CTE) programs. (W)
- 1.1.4 Inmates are not required to meet functional literacy in order to be eligible for this release.
- 1.1.5 Inmates who do not sign and agree to abide by conditions of release shall not be released in accordance with A.R.S §41-1604.07, paragraph F.
- 1.2 Victims' Notification
 - 1.2.1 Victims of current offenses providing current addresses or other contact information shall receive notices from the Department.
 - 1.2.1.1 Notices shall inform victims of the inmate's release date and of their opportunity to be heard on the early release.
 - 1.2.1.2 Objections to inmate's early release must be made within 15 calendar days of the Department's mailing Notices.

PROCEDURES:

- 1.1 Upon arrival to the Department, inmates shall be reviewed by the Time Computation Unit and the Offender Information unit at Intake for eligibility and documented on the appropriate AIMS screen.
 - 1.1.1 The initial eligibility review shall not include the major program completion requirement.
- 1.2 Upon arrival to the Department, all inmates will be provided with the eligibility criteria for this release type (Attachment B).

GENERAL INFORMATION:

- 1.1 Offenders returned to custody for technical violations shall appear before the Board of Executive Clemency to determine their release status.
 - 1.1.1 Inmates shall serve until their CSED unless reinstated by the Board.
- 1.2 Inmates may also qualify, if statutorily eligible, and in accordance with criteria outlined in Department Order #1002, Inmate Release Eligibility System and Director's Instruction #367, Drug Possession Transition Program Release may be eligible for a Temporary Release (TR), Transition Release and Drug Possession Transition Release. If eligible for any of these release types, the release dates will be calculated based on the Senate Bill 1310 calculations.
- 1.3 The following reason codes shall apply to all 70 percent ERCD releases.
 - 1.3.1 Community Supervision Begin Date (CSBD) Reason Code DC/Movement Code A1
 - 1.3.2 ERCD Reason Code DE/Movement Code A1

- 1.3.3 TR/Absolute Discharge Reason Code DA/Movement Code 55
- 1.3.4 ERCD/Absolute Discharge Reason Code AD/Movement Code 55
- 1.3.5 Transition Release Reason Code DT/Movement Code D1
- 1.3.6 Drug Transition Release Reason Code DT/Movement Code D2

Attachment A – Ineligible Offenses
ERCD Drug Offenses Release

SECTION A

Ineligible Offenses			
33553	SEX EXPLOIT OF MINOR	132321	PART CRIMINAL STREET GANG
31204	AGGRAVATED ASSAULT	13230801	TERRORISM
31105	MURDER 1ST DEGREE	132308	ASSIST CRIM SYND/LEAD GANG
31104	MURDER 2ND DEGREE	130631	RIOT
31103	MANSLAUGHTER	13060401	DANG. CRIMES AG. CHILDREN
30249	ASSAULT W DEADLY WEAPON	130109	BURGLARY FIRST DEGREE
30250	ASSAULT BY PRISONER	130704N	DANGEROUS
30251	ASSAULT W CAUSTIC CHEMICAL	13230803	USE BIOL INFECT SUBS
33206	TAKE CHILD FOR PROSTIT	13230802	MAKING A TERRORIST THREAT
33212	CHILD PROSTITUTION	133623	CHILD/ADULT ABUSE
30862	POISON FOOD OR DRINK	130922	EXPLODE W INTENT TO INJURE
30861	POISON W INTENT TO KILL	13360102	AGGRAV. DOMESTIC VIOLENCE
31206	DANG/DEADLY ASLT BY PRSNR	130915	POSS DEADLY WPN INTN ASSLT
33552	COMM SEX EXPLOIT OF MINOR	133211	CHILD PROSTITUTION
30248	ASSAULT W MURDER INTENT	133554	LURE MINOR FOR SEX EXPLOIT
30653	CHILD MOLESTATION	130231	ARSON FIRST DEGREE
30643B	ARMED ROBBERY	130244	SIMPLE ASSAULT & BATTERY
30614	RAPE	130245	AGGRAV ASSAULT & BATTERY
30611	RAPE	130252	ASSAULT W CERTAIN INTENT
30604U	AGG ASSAULT PEACE OFFICER	130253	ASSAULT W FELONY INTENT
30492	KIDNAP	130704	METHOD OF INFLICT DEATH
30491	KIDNAPPING		
30457	MANSLAUGHTER		
30456	MANSLAUGHTER		
30455	MANSLAUGHTER		
30453	MURDER		
30452	MURDER		
30710	MURDER SECOND DEGREE		
31508	BURGLARY 1ST DEGREE		
31207	ASLT-INCT/PRICIPATE-RIOT		
31406	SEXUAL ASSAULT		
31405	SEXUAL CONDUCT W MINOR		
31417	CONTIN SEXUAL ABUSE CHILD		
31423	VIOLENT SEXUAL ASSAULT		
31410	MOLESTATION OF CHILD		
31304	KIDNAPPING		
31704	ARSON OF OCCUPD STRUCTURE		
31705	ARSON OF OCCUPD JAIL/PRSN		
31904	ARMED ROBBERY		
31211	DSCHG FIREARM AT A STRCTRE		
31209	DRIVE BY SHOOTING		
32912	UNLAW READ PHN/TELEG MSG		
3140601	SEXUAL ASSAULT OF SPOUSE		
30706	VIOLENT/AGGRVTD OFFENDER		
30751	DEATH OR LIFE		
30757	METHOD OF INFLICT DEATH		
30705	DANG. CRIMES AG. CHILDREN		
30587	TAKE CHILD FOR PROSTITUT		



Arizona Department of Corrections Inmate Notification

SUBJECT

Senate Bill 1310 - Earned Release Credit
Drug Offenses

ISSUED

June 11, 2019

Attachment B - DI 374
Earned Release Credit Date Drug
Offenses Release

This information is to be given to all inmates upon arrival to the Department.

NOTICE

Senate Bill 1310 became effective on June 8, 2019, which allows inmates who meet certain criteria to earn release credits at three days for every seven days served. The Earned Release Credit date is 70 percent of sentence imposed. This bill is retroactive and only applies to inmates sentenced on or after January 1, 1994. The release credits noted are only applicable to the four specific statutes mentioned; all other offenses will earn release credits, if applicable, at the rate provided for those specific statutes.

Inmates shall meet the following criteria for eligibility:

- Have been convicted of the following:
 - The possession or use of marijuana, as defined in A.R.S. §13-3405, subsection A, paragraph 1.
 - The use of a dangerous drug, as defined in A.R.S. §13-3407, subsection A, paragraph 1.
 - Possession or use of a narcotic drug as defined in A.R.S. §13-3408, subsection A, paragraph 1.
 - Possession or use of drug paraphernalia, as defined in A.R.S. §13-3415, subsection A.
- Have no current or prior convictions for a violent or aggravated felony as defined by A.R.S. §13-706.
- Shall have completed one of the major programs listed below during the current commitment:
 - DUI Treatment
 - Moderate Treatment
 - Substance Abuse Treatment
 - Intensive Treatment
 - Functional Literacy
 - Education GED
 - High School
 - Any Correctional Technical Education (CTE) programs.
- Inmates are not required to meet functional literacy in order to be eligible for this release.
- Inmates who do not sign and agree to abide by conditions of release shall not be released in accordance with A.R.S §41-1604.07, paragraph F.