

ARTICLE V - HOME DETENTION AND CONTINUOUS ALCOHOL MONITORING PROGRAM

Sec. 5-100 Home Detention and Continuous Alcohol Monitoring

If a person is sentenced to jail confinement by the Municipal Court, the Court may substitute home detention or continuous alcohol monitoring or both for a portion of the jail term as provided in this Article.

Sec. 5-101 Eligibility

A person is not eligible for home detention or continuous alcohol monitoring if any of the following apply:

- A. The person is found to constitute a risk to himself/herself or other members of the community.
- B. The person has a past history of violent behavior.
- C. The sentencing judge states at the time of the sentence that the person may not be eligible for home detention or continuous alcohol monitoring.

Sec. 5-102 Violation of A.R.S. §28-1381 or §28-1382

- A. If a person is sentenced under A.R.S. §28-1381(I), the person must first serve a minimum of one day in jail before being placed under home detention or continuous alcohol monitoring.
- B. If a person is sentenced under A.R.S. §28-1381(K) or A.R.S. §28-1382(D) or (E), the person must serve a minimum of twenty percent of the initial term of incarceration in jail before being placed under home detention or continuous alcohol monitoring.

Sec. 5-103 Monitoring

A person placed under home detention shall be subject to the following:

- A. Electronic monitoring in the person's home and shall be required to remain at home during the hours specified by the Court.
- B. Any other form of electronic or geographic monitoring that would advise the Court of the person's location.
- C. If a person attends educational classes in the State of Arizona or is employed within the State of Arizona, the Court may permit the person to attend classes or leave home for employment during specified hours. The Court, or its

designee, may permit the person to attend religious services, funerals or seek medical care.

- D. Testing for the use of alcohol or drugs at such frequencies as determined by the Court and participation in an alcohol or drug treatment program approved by the Court.
- E. For persons sentenced under A.R.S. §28-1381 or A.R.S. §28-1382, shall be tested for the use of alcohol or drugs at least once a day in a manner approved by the Court. This testing shall be at the expense of the person.
- F. For persons sentenced under A.R.S. §28-1381 or A.R.S. §28-1382, participation in an alcohol or drug treatment program, or both, is required.
- G. Restrictions on association with individuals that the Court has determined to be detrimental to the person's successful completion of the home detention program.
- H. Compliance with all other conditions imposed by the Court at sentencing.
- I. Compliance with any other provisions that the Court may impose pursuant to A.R.S. §9-499.07.

Sec. 5-104 Fees; Requirements

- A. A person under home detention or continuous alcohol monitoring shall be required to pay the full cost to the provider of electronic monitoring, alcohol and drug testing, plus an amount of not less than \$30.00 and not more than \$100.00 per month payable to the Court. The fee shall be paid on a monthly basis in advance of the month of participation. The Court may assess a lesser amount based on the person's ability to pay.
- B. The Court shall obtain private provider services for electronic monitoring, drug and alcohol testing reporting and verification of compliance. The costs of any such service provider, together with an administrative surcharge not to exceed ten percent, and the cost of the home detention and electronic monitoring program may be assessed against the person and payment shall be a condition of participation in the program.
- C. The Court may require a person under home detention to participate in community service work or impose other reasonable requirements or restrictions the Court deems necessary.
- D. The Court may condition a person's participation in home detention or continuous alcohol monitoring upon the participant being employed or a full-time student and remaining in employment or school while participating in the program. The person participating in the home detention or continuous alcohol monitoring program must provide written proof of their work and/or school hours to the Court or its designee.

- E. A person under home detention or continuous alcohol monitoring shall not tamper, remove or otherwise interfere with an electronic monitoring device. To do so may constitute a class 4 felony and would subject that person to criminal prosecution pursuant to the Arizona Revised Statutes, including but not limited to, A.R.S. §13-3725. In addition, any loss or malicious damage caused to an electronic monitoring device could subject a person to criminal prosecution pursuant to the Arizona Revised Statutes, including but not limited to, A.R.S. §13-1602 and A.R.S. §13-1802.

Sec. 5-105 Termination of Participation in the Program

- A. The Court may terminate a person's home detention or continuous alcohol monitoring and require the person to complete the remaining term of any jail sentence by jail confinement if the person: (1) fails to pay the required fees for participation in home detention or continuous alcohol monitoring; (2) fails to successfully complete a Court ordered alcohol or drug screening, counseling, education and treatment program; (3) the Court finds that the person left the approved location without permission of the Court or its designee during a time that the person was ordered to be at the location; or (4) the Court finds that the person tampered, removed, damaged or otherwise interfered with the electronic monitoring device.
- B. The Court may terminate a person's home detention or continuous alcohol monitoring at any other time for any reason and, if terminated, may require the person to complete the remaining term of any jail sentence by jail confinement.
- C. If the City Council, by a majority vote of its full membership, terminates home detention and continuous alcohol monitoring, then a person's participation in home detention or continuous alcohol monitoring shall terminate on the effective date of the termination of the home detention and continuous alcohol monitoring program.