

From The Arizona Capitol Times

August 2, 2011

## **PRISONER ADVOCATES SUE OVER BACKGROUND CHECK FEE**

by Luige del Puerto

A group that advocates for prisoners' rights went to court Monday to challenge a law that allows the Arizona Department of Corrections to set a one-time fee for conducting background checks on inmates' visitors.

1. This is the second time that Middle Ground Prison Reform has brought a lawsuit against a state budget bill that deals with policy changes in the area of criminal justice.

Donna Hamm, the group's executive director, said the \$25 fee for visitors' background checks is illegal.

"The Legislature in Arizona needs to stop thinking of prisoners and their families, who often are economically disadvantaged, as cash cows," Hamm said in an email.

Under the law, minors are exempt from the fee. Also, the director has the ability to waive all or part of it.

Inmates' attorneys and their agents, foster parents or court-appointed legal guardians of inmates' minor children, and visitors who seek telephone-only contact are also exempt from the fee.

The Corrections department is required to deposit the money into a building-renewal fund.

In her lawsuit, Hamm argued that the fee is an unconstitutional tax and a "special law," which she said is illegal under Article 4, Part 2, Section 19 of the Arizona Constitution.

Hamm also said in an email that inmates' visitors aren't the only ones who use the state-owned buildings. They're also used by prison staff, victims' rights groups, law enforcement, volunteers, lawyers and their agents, even college tour groups, she said.

This is the second legal challenge that Hamm's group brought against provisions of SB1621, one of the budget bills enacted in the past session.

The first lawsuit, which Hamm submitted on behalf of inmate David Arner last month, challenged the authority given to the department to deduct a fee on deposits made to what's referred to as "spendable" accounts, where inmates' earnings go when they get a job while in prison.

Those fees would also go into the building-renewal fund, whose revenues the department can use to repair and maintain facilities.

Hamm said since the money won't actually be used to defray the cost of managing inmates' bank accounts, the fee is also a tax and an illegal "special law."

In an email, she said there's already a host of things that prisoners pay for, from court-ordered restitution to child support to medical co-pay fees, and some even pay for room and board expenses.

"Visitors pay inflated prices for vending machine food in the visitation rooms, as well as outrageous fees to accept collect calls — and some of the profits are kicked-back to the DOC (Department of Corrections) coffers," she said.

The Corrections department declined to comment pending a review of the lawsuit.

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