

FINAL BILL REPORT

ESSB 6761

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Synopsis as Enacted

Brief Description: Authorizing agreements for the operation of correctional facilities and programs in any other state.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senator Hargrove; by request of Department of Corrections).

Senate Committee on Human Services & Corrections

House Committee on Criminal Justice & Corrections

Background: The Legislature has, in the past, provided funding for the transfer of inmates under the jurisdiction of the Department of Corrections (DOC) to private institutions in other states. There is concern that the statute may need to be clarified to reflect the Legislature's intent that the Secretary of DOC has, and has had, the authority to contract with out-of-state private corporations to house felony offenders.

Summary: The Legislature clarifies that DOC has, and has had, the authority to transfer offenders out of state to both governmental and private facilities when that is in the best interest of the state or the offender. Considerations in determining the best interest of the state or the offender include, but are not limited to overcrowding, emergency conditions, and hardship to the offender. After the effective date of the act, DOC must notify and consider the concerns of victims of an offender being transferred to an institution in another state when the victim lives in that state or in close proximity to the institution. These victims must also be notified when the offender is transferred back to a facility in Washington.

To determine whether a transfer to a facility in another state will impose a hardship on an offender, DOC must consider the location of an offender's family, whether the offender has maintained contact with them, and if the offender has maintained contact, whether the transfer will significantly disrupt the contact. DOC must also consider whether the offender is enrolled in a vocational or educational program that cannot reasonably be resumed upon his or her return to Washington.

Votes on Final Passage:

Senate	47	0
House	98	0

Effective: March 22, 2000