

6761-S

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

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

SB 6761-S.E - DIGEST

(DIGEST AS ENACTED)

Declares an intent to clarify the law to reflect that the secretary of corrections has authority to contract with private corporations to house felons out-of-state and has had that authority since before February 1, 1999, when specific authority to expend funds during specified bienniums was granted under RCW 72.09.050. The secretary has the authority to expend funds between February 1, 1999, and June 30, 2001, for contracts with private corporations to house felons out-of-state.

Declares that the secretary has the authority to transfer offenders out-of-state to private or governmental institutions if the secretary determines that transfer is in the best interest of the state or the offender. The determination of what is in the best interest of the state or offender may include but is not limited to considerations of overcrowding, emergency conditions, or hardship to the offender. In determining whether the transfer will impose a hardship on the offender, the secretary shall consider:

- (1) The location of the offender's family and whether the offender has maintained contact with members of his or her family;

- (2) whether, if the offender has maintained contact, the contact will be significantly disrupted by the transfer due to the family's inability to maintain the contact as a result of the transfer; and

- (3) whether the offender is enrolled in a vocational or educational program that cannot reasonably be resumed if the offender is returned to the state.

Provides that, if the secretary transfers any offender to an institution in another state after the effective date of this act, the secretary shall, prior to the transfer, review the records of victims registered with the department. If any registered victim of the offender resides:

- (1) In the state to which the offender is to be transferred; or

- (2) in close proximity to the institution to which the offender is to be transferred, the secretary shall notify the victim prior to the transfer and consider the victim's concerns about the transfer.