

**Public Safety Committee**

**HB 2576**

**Brief Description:** Concerning private detention facilities.

**Sponsors:** Representatives Ortiz-Self, Gregerson, Doglio, Pettigrew, Santos, Peterson, Lekanoff, Ryu, Pollet, Valdez, Thai, Macri, Fitzgibbon, Dolan, Davis, J. Johnson, Walen, Frame, Ormsby and Riccelli.

<p><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"> <li>• Prohibits persons, businesses, and state and local governments from operating private detention facilities or from entering into certain agreements for the operation of private detention facilities.</li> </ul>
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**Hearing Date:** 2/3/20

**Staff:** Kelly Leonard (786-7147).

**Background:**

Correctional and detention facilities are used to detain persons for a variety of purposes, including pretrial detention and sentencing.

Pretrial detention and sentences of up to one year are carried out by locally and publicly operated jail facilities. Sentences of over one year are served in state prison facilities operated and managed by the Department of Corrections (DOC). Juvenile sentences of 30 days or less are served in locally operated juvenile detention facilities, and longer sentences are served in Juvenile Rehabilitation facilities operated and managed by the Department of Children, Youth, and Families.

Private businesses may contract with federal, state, and local governments to provide detention services or ancillary services provided inside detention facilities. State law expressly authorizes the DOC to transfer inmates to out-of-state private institutions upon determining that the transfer is in the best interest of the state or the inmate. In the federal context, the federal government

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may enter into contracts for detention services, which may include detaining persons pursuant to immigration-related proceedings.

**Summary of Bill:**

*Definitions.* "Detention facility" means any facility in which persons are incarcerated or otherwise involuntarily confined for purposes including prior to trial or sentencing, fulfilling the terms of a sentence imposed by a court, or for other judicial or administrative processes or proceedings.

"Private detention facility" means a detention facility that is operated by a private, nongovernmental entity and operating pursuant to a contract or agreement with a federal, state, or local governmental entity.

"Operate" includes owning, leasing, managing, or controlling some or all of the functions of a detention facility, regardless of the underlying ownership of the facility or land upon which the facility is located.

*Restriction on private detention facilities.* A person, business, or state or local governmental entity is prohibited from operating a private detention facility within the state, or entering into agreements with any local or state government or private organization in any other state providing for the operation of a private detention facility.

A private detention facility that is operating pursuant to a valid contract with a governmental entity that was in effect prior to January 1, 2020, may remain in effect for the duration of that contract, not to include any extensions or modifications made to, or authorized by, that contract.

The bill does not apply to the following:

- any facility providing rehabilitative, counseling, treatment, mental health, educational, or medical services to a juvenile subject to the Basic Juvenile Court Act;
- any facility providing services to a person who has been detained or civilly committed for involuntary mental health treatment or forensic evaluation;
- contracts for exclusively providing ancillary services, including educational, vocational, medical, or other services to an inmate in the custody of, and under the direct supervision of, a state agency, local government, or law enforcement agency;
- any facility licensed or required to be licensed as an assisted living facility, nursing home, adult family home, soldiers' home, residential habilitation center, or secure community transition facility;
- any facility used for the quarantine or isolation of persons for public health reasons; and
- any facility owned and operated by federally recognized tribes and contracting with a government.

**Appropriation:** None.

**Fiscal Note:** Requested on February 1, 2020.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.