

# FINAL BILL REPORT

## ESHB 2576

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Synopsis as Enacted

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

**Sponsors:** House Committee on Public Safety (originally sponsored by Representatives Ortiz-Self, Gregerson, Doglio, Pettigrew, Santos, Peterson, Lekanoff, Ryu, Pollet, Valdez, Thai, Macri, Fitzgibbon, Dolan, Davis, J. Johnson, Walen, Frame, Ormsby and Riccelli).

**House Committee on Public Safety**  
**House Committee on Appropriations**  
**Senate Committee on Human Services, Reentry & Rehabilitation**

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

### **Summary:**

The Department of Health (DOH) is required to conduct a study evaluating the existing authority of state agencies and local governments to inspect private detention facilities for the purposes of enforcing state and local statutes, codes, rules, and policies on the subject of the health, safety, and welfare of detainees, and assess the current practices for evaluating whether private detention facilities are in compliance with those statutes, codes, rules, and policies. The DOH must also determine whether any private detention facility has been

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subject to an inspection or enforcement action by a state agency or local government in the previous five years, and if so, the frequency, nature, and outcomes of those inspections or enforcement actions. The study must also include a determination as to whether any state agency or local government has been denied access to a private detention facility in the previous five years, and if so, the frequency and nature of those denials and the outcome of any applicable enforcement action.

The DOH must make recommendations as to any changes to statutes, rules, or policies necessary to conduct effective inspections and enforcement in private detention facilities for the purpose of ensuring the health, safety, and welfare of detainees, and submit a final report including its findings and recommendations to the Governor and Legislature by December 1, 2020.

**Votes on Final Passage:**

House	60	38
Senate	30	19

**Effective:** June 11, 2020