

FINAL BILL REPORT

ESSB 6442

C 318 L 20
Synopsis as Enacted

Brief Description: Concerning the private detainment of individuals.

Sponsors: Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Senators Saldaña, Wilson, C., Salomon, McCoy, Wellman, Stanford, Hasegawa, Kuderer, Pedersen, Nguyen, Frockt and Das).

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

Background: The secretary of the Department of Corrections (DOC) is authorized to transfer offenders out of state to private or governmental institutions when determining the transfer is in the best interest of the state or the offender. If the Governor finds an emergency exists in which the population of a state correctional facility exceeds its reasonable maximum capacity, the Governor may take certain measures to mitigate the emergency. Such measures include calling the Sentencing Guidelines Commission into an emergency meeting to evaluate the standard ranges and other standards, or calling the Clemency and Pardons Board into an emergency meeting to make recommendations for the Governor's use of commutation and pardon powers.

Summary: The secretary of DOC is prohibited from using a contract with a private correctional entity to transfer or place offenders. A private correctional entity means a for-profit contractor or for-profit vendor who provides services relating to the ownership, management, or administration of security services of a correctional facility for incarcerating persons. This prohibition does not apply to state work release centers, juvenile residential facilities, nonprofit community-based juvenile or adult detention facilities, contracts for ancillary services, or tribal entities.

DOC may transfer an offender to an out-of-state private correctional entity only if:

- the Governor finds an emergency exists that results in capacity and safety concerns at a state correctional facility;
- the Governor has considered all other legal options to address capacity;
- the secretary of DOC determines that transfer is in the best interest of the state and the offender; and
- the contract with the out-of-state private correctional entity allows the same public records access as DOC facilities, access to the Office of the Corrections Ombuds, and inspections and visits without notice.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A severability clause is included. The provisions must be construed liberally.

Votes on Final Passage:

Senate	30	18	
House	64	33	(House amended)
Senate	29	20	(Senate concurred)

Effective: April 2, 2020