

# FINAL BILL REPORT

## EHB 1090

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**C 30 L 21**  
Synopsis as Enacted

**Brief Description:** Concerning private, for-profit detention facilities.

**Sponsors:** Representatives Ortiz-Self, Fey, Fitzgibbon, Johnson, J., Ramos, Tharinger, Simmons, Ramel, Senn, Peterson, Gregerson, Ryu, Valdez, Callan, Kloba, Young, Hackney, Chopp, Lovick, Ormsby, Stonier, Frame, Santos, Macri, Orwall, Davis, Pollet and Harris-Talley.

**House Committee on Public Safety**  
**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. These facilities are typically owned and operated by local governments, the Department of Corrections (DOC), and 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 correctional and detention facilities. However, the DOC is prohibited from utilizing contracts with any for-profit private correctional entity for the transfer or placement of prisoners, unless an emergency exception applies, in which case the DOC may transfer prisoners to an out-of-state private correctional entity meeting certain requirements. 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:**

"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, for-profit entity and operating pursuant to a contract or

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agreement with a federal, state, or local governmental entity.

A person, business, or state or local governmental entity is prohibited from operating a private detention facility, or utilizing a contract with a private detention facility, except where the DOC is otherwise authorized to transfer prisoners to an out-of-state private correctional facility. The restrictions also do not apply to certain types of facilities authorized under state law and any similarly applicable federal law, including any facility:

- providing rehabilitative, counseling, treatment, mental health, educational, or medical services to juveniles;
- providing services to a person who has been detained or civilly committed for involuntary mental health treatment or forensic evaluation;
- used for the quarantine or isolation of persons for public health reasons;
- used for work release;
- used for extraordinary medical placement;
- used for residential substance use disorder treatment;
- used for the housing, care, and security of persons held in the custody of United States Marshals; and
- owned and operated by a federally recognized tribe and contracting with the government.

A private detention facility that is operating pursuant to a valid contract with a governmental entity that was in effect prior to January 1, 2021, may remain in operation for the duration of that contract, not to include any extensions or modifications made to, or authorized by, that contract.

**Votes on Final Passage:**

House	76	21
Senate	28	21

**Effective:** April 14, 2021