

# HOUSE BILL ANALYSIS

## HB 2963

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

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**Sponsors:** Representatives Ballasiotes and O'Brien.

**Hearing:** February 2, 2000

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

#### **BACKGROUND:**

Since March of 1999, the Department of Corrections has transferred approximately 284 offenders from six facilities statewide to the Crowley County Correctional Facility, a private, 1,200 bed medium security facility located near Pueblo, Colorado. Although this is a temporary move until the Stafford Creek Corrections Center in Grays Harbor is completed in mid-2000, this was done in order to accommodate the increase in the offender population that the state could not accommodate. Other alternatives such as a review of other in-state bed space in county jails and federal detention facilities were explored however, those agencies are experiencing similar population growth, and were unable to provide housing for state prisoners.

Beginning back on February 1, 1999, the secretary of the Department of Corrections was authorized to expend funds appropriated for the 1997-1999 biennium to enter into agreements with any local government or private organization in any other state, providing for the operation of any correctional facility or program for persons convicted of felonies. Between July 1, 1999, and June 30, 2001, the secretary was also authorized to expend funds appropriated for the 1999-01 biennium to enter into agreements with any local government or private organization in any other state, providing for the operation of any correctional facility or programs for persons convicted of felonies.

The secretary of the Department of Corrections has the power to enter into agreements

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with any federal agency, or any other state, or any Washington state agency or local government providing for the operation of any correctional facility or program for persons convicted of felonies or misdemeanors or for juvenile offenders.

In addition, whenever the judgment is in the best interest of the state or when the welfare of any prisoner confined in any penal institution will be better served by his or her transfer to another institution or to a foreign country of which the prisoner is a citizen or national, the secretary may transfer the inmate consistent with applicable federal laws and treaties.

**SUMMARY OF BILL:**

The secretary of the Department of Corrections is authorized to transfer offenders out-of-state to private or governmental institutions, if the secretary determines that the 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.

The secretary may also contract with the authorities of the federal government, the authorities of any state of the United States, private companies in other states, or any county or city in Washington providing for the detention of inmates in an institution or jail.

**FISCAL NOTE:** Requested February 1, 2000.

**EFFECTIVE DATE:** The bill contains an emergency clause and takes effect immediately.