

SENATE BILL REPORT

ESSB 6761

As Passed Senate, February 15, 2000

Title: An act relating to agreements for the operation of correctional facilities and programs in any other state.

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

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senator Hargrove; by request of Department of Corrections).

Brief History:

Committee Activity: Human Services & Corrections: 2/3/2000, 2/4/2000 [DPS].
Passed Senate, 2/15/2000, 47-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6761 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Long, Patterson and Stevens.

Staff: Fara Daun (786-7459)

Background: The Legislature has in the past provided funding for the transfer of inmates under the jurisdiction of the Department of Corrections (DOC) to private institutions in other states. There is concern that the statute may need to be clarified to reflect the Legislature's intent that the Secretary of DOC has and has had the authority to contract with out-of-state private corporations to house felony offenders.

Summary of Bill: It is clarified that DOC has and has had the authority to transfer offenders out of state to both governmental and private facilities when that is in the best interest of the state or the offender. Considerations in determining the best interest of the state or the offender include, but are not limited to overcrowding, emergency conditions, and hardship to the offender. After the effective date of the act, DOC must notify and consider the concerns of victims of an offender being transferred to an institution in another state when the victim lives in that state or in close proximity to the institution. These victims must also be notified when the offender is transferred back to a facility in Washington.

To determine whether a transfer to a facility in another state will impose a hardship on an offender, DOC must consider the location of an offender's family, whether the offender has maintained contact with them, and if the offender has maintained contact, whether the transfer will significantly disrupt the contact. DOC must also consider whether the offender is enrolled in a vocational or educational program that cannot reasonably be resumed upon his or her return to Washington.

There is an emergency clause.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill reiterates the secretary's authority to perform the duties required, authorized and funded in the budget. This is being challenged in court.

Testimony Against: Conditions of confinement in private facilities in other states have been found to violate the eighth amendment so the state should exercise caution before permitting the transfer of offenders out of state.

Testified: Joe Lehman, Secretary, DOC (pro); Simmie Baer, Washington Defenders Association, Washington Association of Criminal Defense Lawyers (con).