

SENATE BILL REPORT

ESHB 2576

As of February 26, 2020

Title: An act relating to private detention facilities.

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).

Brief History: Passed House: 2/17/20, 60-38.

Committee Activity: Human Services, Reentry & Rehabilitation: 2/25/20.

Brief Summary of Bill

- Requires the Department of Health to conduct a study evaluating state and local authority and practices for inspecting private detention facilities and enforcing statutes, codes, rules, and policies on the health, safety, and welfare of detainees.

SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

Staff: Kelsey-anne Fung (786-7479)

Background: Correctional and detention facilities are used to detain persons for a variety of purposes, including pretrial detention and sentencing. Private businesses may contract with federal, state, and local governments to provide detention or ancillary services to individuals inside detention facilities. State law authorizes the Secretary of the Department of Corrections to transfer inmates to out-of-state private institutions upon determining 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 of Bill: The Department of Health (DOH) must conduct a study relating to state and local inspections and enforcement actions in private detention facilities for the health, safety, and welfare of detainees. In conducting the study, DOH must consult with specified state agencies and local government entities with relevant expertise.

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.

DOH is required to:

- evaluate the current authority of state agencies and local governments to inspect private detention facilities for enforcing state and local statutes, codes, rules, and policies for the health, safety, and welfare of detainees;
- evaluate current practices for assessing whether private detention facilities are complying with those statutes, codes, rules, and policies;
- determine whether any private detention facility has been 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;
- determine 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; and
- make recommendations on statutory or policy changes necessary to conduct effective inspections and enforcement in private detention facilities.

DOH must submit a final report with its findings and recommendations to the Governor and Legislature by December 1, 2020.

Appropriation: None.

Fiscal Note: Requested on February 20, 2020.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Unlike other states, there are no standards for inspecting private detention facilities for the health and welfare of detainees. Having DOH conduct a study will tell the Legislature what standards are currently in place, who currently does the inspections, findings of those inspections, and any conflicts. Supportive of the bill to clarify state and local authority over inspections and enforcement actions in private detention facilities and to clarify the statutory and policy changes needed to improve enforcement and inspection actions.

Persons Testifying: PRO: Representative Lillian Ortiz-Self, Prime Sponsor; Hannah Woerner, Columbia Legal Services; Leslie Cushman, Latino Civic Alliance.

Persons Signed In To Testify But Not Testifying: No one.