

SENATE BILL REPORT

SB 5120

As of January 25, 2019

Title: An act relating to contracting with private correctional facilities for the transfer or placement of offenders.

Brief Description: Contracting with private correctional facilities for the transfer or placement of offenders.

Sponsors: Senators Palumbo, Darneille, Mullet, Nguyen, Hunt, Saldaña, Lias, Carlyle, Frockt, Hasegawa and Kuderer.

Brief History:

Committee Activity: Human Services, Reentry & Rehabilitation: 1/24/19.

Brief Summary of Bill

- Prohibits the state, any county government, city government, or county sheriff's department from contracting with a private entity for the operation of a correctional facility or the incarceration of persons in the custody of the Department of Corrections (DOC), the Department of Children, Youth, and Families (DCYF), or a county sheriff.
- Exempts state work release centers or juvenile residential facilities that provide separate care or special treatment, operated in whole or in part by private contractors, or contracts for ancillary services.

SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

Staff: Keri Waterland (786-7490)

Background: Under existing statute, the secretary of the department of corrections DOC has the authority to transfer offenders out-of-state to private or governmental institutions.

Summary of Bill: The state, any county or city governments, or county sheriff's department may not enter into a contract with a private contractor or vendor for the operation of correctional facility or for the incarceration of persons in the custody of DOC, DCYF, or a county sheriff. Work release and certain services or programs are exempt.

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.

The secretary of DOC has the authority to transfer offenders between in-state correctional facilities, or out-of-state governmental institutions.

Appropriation: None.

Fiscal Note: Requested on January 15, 2019.

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: State workers are the best people to do this work, and housing offenders in this state is what is best for offenders and their families. This bill takes a stand against private prisons. Our tax dollars should not be going to the for profit prisons. Private prisons have a poor history of food and treatment. Studies of violence in private prisons versus public prisons show that private prisons are more violent. Private prisons are about making a profit and about locking people up. Sending people out of state is not a good idea either, but it is better if it is not to a private prison.

CON: We have no interest in building another prison, but many facilities are at or exceeding capacity and funding. Since 1988 we have maintained contracts, but we do not contract with private prisons currently. This bill creates a safety risk to staff and offenders. If natural disaster occurs, we need places to send people.

OTHER: No objection to the bill itself, but we believe that there can be more specificity in the language as to what is and what is not prohibited. We want to make sure that we know exactly what those rules are.

Persons Testifying: PRO: Senator Guy Palumbo, Prime Sponsor; Brenda Weist, Teamsters Local 117.

CON: Rob Herzog, Department of Corrections.

OTHER: James McMahan, Washington Association Sheriffs and Police Chiefs.

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