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**SENATE BILL 6442**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senators Saldaña, Wilson, C., Salomon, McCoy, Wellman, Stanford, Hasegawa, Kuderer, Pedersen, Nguyen, Frockt, and Das

Read first time 01/16/20. Referred to Committee on Human Services, Reentry & Rehabilitation.

1 AN ACT Relating to private detention facilities; adding a new  
2 chapter to Title 70 RCW; creating new sections; and declaring an  
3 emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** It is the intent of the legislature to  
6 ensure the safety and welfare of people in Washington state by ending  
7 the operation of private detention facilities. The legislature finds  
8 that there are numerous documented abuses of people held in private  
9 detention facilities in Washington state and elsewhere. The  
10 legislature further finds that incarcerating persons in private  
11 detention facilities leads to cutting operational costs, which is  
12 dangerous and detrimental to Washingtonians. Therefore, it is the  
13 purpose of this act to eliminate the use of private detention  
14 operations in this state.

15 NEW SECTION. **Sec. 2.** The definitions in this section apply  
16 throughout this chapter unless the context clearly requires  
17 otherwise.

18 (1) "Detention facility" means any facility in which persons are  
19 incarcerated or otherwise involuntarily confined for purposes  
20 including prior to trial or sentencing, fulfilling the terms of a

1 sentence imposed by a court, or for other judicial or administrative  
2 processes or proceedings.

3 (2) "Private detention facility" means a detention facility that  
4 is operated by a private, nongovernmental entity and operating  
5 pursuant to a contract or agreement with a federal, state, or local  
6 governmental entity.

7 (3) "Operate" includes owning, leasing, managing, or controlling  
8 some or all of the functions of a detention facility, regardless of  
9 the underlying ownership of the facility or land upon which the  
10 facility is located.

11 NEW SECTION. **Sec. 3.** (1) Except as provided in subsections (2)  
12 and (3) of this section, no person, business, or state or local  
13 governmental entity shall operate a private detention facility within  
14 the state, or enter into agreements with any local or state  
15 government or private organization in any other state providing for  
16 the operation of a private detention facility.

17 (2) A private detention facility that is operating pursuant to a  
18 valid contract with a governmental entity that was in effect prior to  
19 January 1, 2020, may remain in effect for the duration of that  
20 contract, not to include any extensions or modifications made to, or  
21 authorized by, that contract.

22 (3) This section does not apply to:

23 (a) Any facility providing rehabilitative, counseling, treatment,  
24 mental health, educational, or medical services to a juvenile subject  
25 to chapter 13.04 RCW;

26 (b) Any facility providing evaluation and treatment or forensic  
27 services to a person who has been detained or is subject to an order  
28 of commitment by a court pursuant to chapter 71.05, 10.77, or 71.34  
29 RCW;

30 (c) Contracts for exclusively providing ancillary services,  
31 including educational, vocational, medical, or other services to an  
32 inmate in the custody of, and under the direct supervision of, a  
33 state agency, local government, or law enforcement agency;

34 (d) Any facility licensed or required to be licensed pursuant to  
35 the following: Assisted living facilities under chapter 18.20 RCW;  
36 nursing homes under chapter 18.51 RCW; adult family homes under  
37 chapter 70.128 RCW; soldiers' homes under chapter 72.36 RCW;  
38 residential habilitation centers under chapter 71A.20 RCW; or secure  
39 community transition facilities under chapter 71.09 RCW;

1 (e) Any facility used for the quarantine or isolation of persons  
2 for public health reasons pursuant to RCW 43.20.050; and

3 (f) Any facility owned and operated by federally recognized  
4 tribes and contracting with a government.

5 NEW SECTION. **Sec. 4.** This act shall be construed liberally for  
6 the accomplishment of the purposes thereof.

7 NEW SECTION. **Sec. 5.** This act is necessary for the immediate  
8 preservation of the public peace, health, or safety, or support of  
9 the state government and its existing public institutions, and takes  
10 effect immediately.

11 NEW SECTION. **Sec. 6.** If any provision of this act or its  
12 application to any person or circumstance is held invalid, the  
13 remainder of the act or the application of the provision to other  
14 persons or circumstances is not affected.

15 NEW SECTION. **Sec. 7.** Sections 2 and 3 of this act constitute a  
16 new chapter in Title 70 RCW.

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