

SENATE BILL REPORT

SB 6286

As of February 17, 2026

Title: An act relating to the state's ability to fine private detention facilities that deny entry to the department of health for an inspection.

Brief Description: Concerning the state's ability to fine private detention facilities that deny entry to the department of health for an inspection.

Sponsors: Senators Orwall, Trudeau, Alvarado, Chapman, Conway, Dhingra, Frame, Hasegawa, Liias, Lovelett, Nobles, Salomon, Slatter, Stanford, Valdez and Wilson, C..

Brief History:

Committee Activity: Human Services: 1/28/26, 2/03/26 [DPS-WM, DNP].

Ways & Means: 2/19/26.

Brief Summary of First Substitute Bill

- Allows the Department of Health to issue a fine to any private detention facility that prevents entry into the facility to conduct an inspection.
- Creates the Enforcement Accountability and Community Repair Account where all fines collected through enforcement of this act are deposited and distributed to individuals or families with members that have been wrongfully detained and released by the court, assaulted, or killed at a private detention facility, or during the process of being taken to a private detention facility.

SENATE COMMITTEE ON HUMAN SERVICES

Majority Report: That Substitute Senate Bill No. 6286 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Wilson, C., Chair; Frame, Vice Chair; Orwall.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: Do not pass.

Signed by Senators Christian, Ranking Member; Warnick.

Staff: Will Trondsen (786-7552)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Monica Fontaine (786-7341)

Background: Private Detention Facility. Under state law, a private detention facility means a detention facility that is operated by a private, nongovernmental entity and operating pursuant to a contract or agreement with a federal, state, or local governmental entity.

Department of Health. Legislation passed in 2023 set forth requirements for private detention facilities, including operational standards and living conditions for detained individuals, inspections by the Department of Health (DOH) and the Department of Labor and Industries (L&I), private rights of action and civil penalties for violations, and exemptions for certain types of facilities.

The DOH is required to adopt rules as necessary to ensure private detention facilities comply with measurable standards providing sanitary, hygienic, and safe conditions for detained persons. Rules adopted must address specified topics including clean living areas and laundry facilities; dietary requirements and proper food handling; safe indoor air quality, heating, and air conditioning; and infectious disease control.

Inspections. Routine and unannounced inspections by DOH of a private detention facility are allowed at any time, and include:

- inspections involving food service and handling, sanitation, hygiene, and nutrition;
- investigations into complaints received about a private detention facility within this state;
- regular review of list of food provided to detained persons to ensure specific calorie and nutrition needs are met; and
- testing water used for drinking, bathing and testing air quality every six months, both inside and outside the private detention facility.

Results of the inspection are to be posted on DOH website and in conspicuous places that are viewable by detained persons and visitors to private detention facilities. To the extent practicable, results should be posted in English and in languages spoken by detainees.

Findings of Noncompliance and Penalties. If DOH determines that the private detention facility has failed or refused to comply with applicable state statutes or regulations, DOH may:

- impose reasonable conditions on the private detention facility, which may include

correction within a specified amount of time, training, or hiring a consultant approved by DOH if the private detention facility cannot demonstrate that it has access to sufficient internal expertise; or

- assess a civil fine of up to \$10,000 per violation, not to exceed a total fine of \$1 million if the private detention facility has previously been subject to an enforcement action; or been given a previous statement of deficiency that included the same or similar type of violation of the same or similar statute or rule; or has failed to correct noncompliance with a statute or rule.

Summary of Bill (First Substitute): DOH is allowed to issue a fine to any private detention facility that prevents DOH from entry into the facility to conduct an inspection. A fine structure is created that begins at \$1,000 per day for the first 30 days from the DOH's initial attempt to inspect. The fine increases after 30 days from the DOH's initial attempt to inspect, to \$10,000 per day for the next 30 days the private detention facility continues to prevent access. If after 60 days from the initial attempt to inspect, the DOH is still denied entry, the fine is increased to \$15,000 per day until access is granted to DOH to allow for an inspection as permitted by state law.

Any money collected through the fines must be deposited into the Enforcement Accountability and Community Repair Account, which is created in the State Treasury. Expenditures from the account may be used for providing assistance to individuals or families with members that have been wrongfully detained and released by the court, assaulted, or killed at a private detention facility or in the process of being taken to a private detention facility.. Such assistance includes housing, food, legal services, wage replacement, child care assistance, transportation assistance, grants to nonprofit organizations providing services to immigrant communities, and financial compensation.

All services provided to individuals through this account are not an admission of fault by the state, and does not create an entitlement to compensation or assistance for any individual.

EFFECT OF CHANGES MADE BY HUMAN SERVICES COMMITTEE (First Substitute):

- Clarifies that the fines start from DOH's initial attempt to inspect the private detention facility and their denial, and each day after the DOH is denied entry is a separate violation of the chapter.
- Establishes the name of the account as the enforcement accountability and community repair act, and allows for individuals or families with members that have been wrongfully detained and released by the court, assaulted, or killed at a private detention facility, or during the process of being taken to a private detention facility to receive assistance from the account.

Appropriation: None.

Fiscal Note: Requested on January 22, 2026.

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 on Original Bill (Human Services): *The committee recommended a different version of the bill than what was heard.* PRO: This bill is about people and human rights and having access to clean water, health care, to be safe. One of the major responsibilities of the state is the health and well-being of our residents. DOH ensures that through inspections of facilities that hold people. Facilities can foster rampant diseases and terrible medical conditions that are left untreated, and it leads to suffering and dying. There are incredibly small rooms and windows for people staying at this facility. DOH has received numerous complaints about this facility ranging from nutrition, undercooked food, black mold, and not having access to medical care. There is a misconception that people in this facility have committed a crime. Many have not. There are legal permanent residents that are held in the facility for long periods of time. People in the facilities covered by this bill deserve the same protection as humans in any of our other facilities, like jails or corrections. These private detention facilities prioritize money over people, and the people who get the worst treatment are not those that have committed serious crimes. The food is terrible, and is made for them to make the most profit. This bill makes enforcement of rules on the facilities better, and by providing resources to those that have had to endure staying at a private detention facility. People need to understand that immigration law is civil, and many individuals are in this facility for a civil reason.

Persons Testifying (Human Services): PRO: Senator Tina Orwall, Prime Sponsor; Melissa Chaudhry; Zahid Chaudhry; Kristina Walker, Councilmember, City of Tacoma.

Persons Signed In To Testify But Not Testifying (Human Services): No one.