
HOUSE BILL 1232

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By Representatives Ortiz-Self, Fey, Reed, Ramel, Leavitt, Mena, Macri, Callan, Farivar, Gregerson, Simmons, Peterson, Wylie, Ormsby, Fosse, and Hill

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1 AN ACT Relating to private detention facilities; amending RCW
2 70.395.020, 70.395.040, 70.395.050, 70.395.060, and 70.395.100;
3 adding new sections to chapter 70.395 RCW; creating a new section;
4 and declaring an emergency.

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

6 **Sec. 1.** RCW 70.395.020 and 2023 c 419 s 9 are each amended to
7 read as follows:

8 The definitions in this section apply throughout this chapter
9 unless the context clearly requires otherwise.

10 (1) (~~"Basic personal hygiene items" means items used to promote~~
11 ~~or preserve a detained person's health and contribute to the~~
12 ~~prevention of disease or infection, including soap, toothbrush and~~
13 ~~toothpaste, shampoo and conditioner, lotion, nail clippers, comb,~~
14 ~~towels, and menstrual products.~~

15 ~~(2) "Culturally competent" includes: Knowledge of a detained~~
16 ~~person's cultural histories and contexts, as well as family norms and~~
17 ~~values in different cultures; knowledge and skills in accessing~~
18 ~~community resources and community outreach; and skills in adapting~~
19 ~~services and treatment to a detained person's experiences and~~
20 ~~identifying cultural contexts for individuals.~~

1 ~~(3))~~ "Abuse" means an act by any individual which injures,
2 exploits, or in any way jeopardizes a detained person's health,
3 welfare, or safety, including, but not limited to:

4 (a) Physically damaging or potentially damaging nonaccidental
5 acts;

6 (b) Emotionally damaging verbal behavior and harassment or other
7 actions which may result in emotional or behavioral problems; and

8 (c) Sexual abuse, exploitation, and mistreatment through
9 inappropriate touching, inappropriate remarks, or encouraging
10 participation in pornography or prostitution.

11 (2) "Detained person" means a person confined in a private
12 detention facility.

13 ~~((4))~~ (3) "Detention facility" means any facility in which
14 persons are incarcerated or otherwise involuntarily confined for
15 purposes including prior to trial or sentencing, fulfilling the terms
16 of a sentence imposed by a court, or for other judicial or
17 administrative processes or proceedings.

18 ~~((5) "Fresh fruits and vegetables" means any unprocessed fruits~~
19 ~~or vegetables, not including any processed, canned, frozen, or~~
20 ~~dehydrated fruits or vegetables, or any fruits or vegetables infected~~
21 ~~or infested with insects or other contaminants.~~

22 ~~(6) (a) "Personal protective equipment" means equipment worn to~~
23 ~~minimize exposure to hazards that cause serious injuries and illness,~~
24 ~~which may result from contact with chemical, radiological, physical,~~
25 ~~electrical, mechanical, or other hazards.~~

26 ~~(b) Personal protective equipment may include items such as~~
27 ~~gloves, safety glasses and shoes, earplugs or muffs, hard hats,~~
28 ~~respirators, or coveralls, vests, and full body suits.~~

29 ~~(7))~~ (4) "Dietitian" means an individual certified under chapter
30 18.138 RCW.

31 (5) "Neglect" means conduct which results in deprivation of care
32 necessary to maintain a detained person's minimum physical and mental
33 health including, but not limited to:

34 (a) Physical and material deprivation;

35 (b) Lack of medical care;

36 (c) Inadequate food, clothing or cleanliness;

37 (d) Refusal to acknowledge, hear, or consider a detained person's
38 concerns;

39 (e) Lack of social interaction and physical activity;

40 (f) Lack of personal care; and

1 (g) Lack of supervision appropriate for the detained person's
2 level of functioning.

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

7 ~~((8) "Solitary confinement" means the confinement of a detained~~
8 ~~person alone in a cell or similarly confined holding or living space~~
9 ~~for 20 hours or more per day under circumstances other than a partial~~
10 ~~or facility wide lockdown.~~

11 ~~(9) "Telecommunications services" means phone calls or other~~
12 ~~voice communication services, video communications, and email~~
13 ~~services.))~~

14 **Sec. 2.** RCW 70.395.040 and 2023 c 419 s 2 are each amended to
15 read as follows:

16 (1) The department of health shall adopt rules as may be
17 necessary to effectuate the intent and purposes of this section in
18 order to ensure private detention facilities comply with measurable
19 standards providing sanitary, hygienic, and safe conditions for
20 detained persons. The department of health rules shall include
21 that(~~÷~~

22 ~~(a) A detained person should have a safe, clean, and comfortable~~
23 ~~environment that allows a detained person to use the person's~~
24 ~~personal belongings to the extent possible;~~

25 ~~(b) Living areas, including areas used for sleeping, recreation,~~
26 ~~dining, telecommunications, visitation, and bathrooms, must be~~
27 ~~cleaned and sanitized regularly;~~

28 ~~(c) A private detention facility must provide laundry facilities,~~
29 ~~equipment, handling, and processes for linen and laundered items that~~
30 ~~are clean and in good repair, adequate to meet the needs of detained~~
31 ~~persons, and maintained according to the manufacturer's instructions.~~
32 ~~Laundry and linen must be handled, cleaned, and stored according to~~
33 ~~acceptable methods of infection control including preventing~~
34 ~~contamination from other sources. Separate areas for handling clean~~
35 ~~laundry and soiled laundry must be provided and laundry rooms and~~
36 ~~areas must be ventilated to the exterior;~~

37 ~~(d) Basic personal hygiene items must be provided to a detained~~
38 ~~person regularly at no cost;~~

1 ~~(e) A private detention facility shall provide a nutritious and~~
2 ~~balanced diet, including fresh fruits and vegetables, and shall~~
3 ~~recognize a detained person's need for a special diet. A private~~
4 ~~detention facility must follow proper food handling and hygiene~~
5 ~~practices. A private detention facility must provide at least three~~
6 ~~meals per day, at no cost, and at reasonable hours;~~

7 ~~(f) Safe indoor air quality must be maintained;~~

8 ~~(g) The private detention facility must have both heating and air~~
9 ~~conditioning equipment that can be adjusted by room or area. Rooms~~
10 ~~used by a detained person must be able to maintain interior~~
11 ~~temperatures between 65 degrees Fahrenheit and 78 degrees Fahrenheit~~
12 ~~year-round. Excessive odors and moisture must be prevented in the~~
13 ~~building; and~~

14 ~~(h) A private detention facility must implement and maintain an~~
15 ~~infection control program that prevents the transmission of~~
16 ~~infections and communicable disease among detained persons, staff,~~
17 ~~and visitors.)~~ a private detention facility must provide:

18 (a) A safe and clean environment for detained persons, staff, and
19 visitors;

20 (b) Ready access and equipment to accommodate detained persons
21 with physical and mental disabilities;

22 (c) Adequate lighting in all areas;

23 (d) Natural or mechanical ventilation sufficient to remove odors,
24 smoke, excessive heat, and condensation from all habitable rooms;

25 (e) A heating system operated and maintained to sustain a
26 comfortable, healthful temperature in all habitable rooms;

27 (f) An adequate supply of hot and cold running water under
28 pressure meeting the standards in chapters 246-290 and 246-291 WAC,
29 with devices to prevent backflow into the potable water supply
30 system, and water temperature not exceeding 120 degrees Fahrenheit
31 automatically regulated at all plumbing fixtures used by detained
32 persons;

33 (g) Written policies, procedures, and schedules for maintenance
34 and housekeeping functions;

35 (h) Housekeeping and service facilities on each floor, including:

36 (i) One or more service sinks, designed for filling and emptying
37 mop buckets;

38 (ii) Housekeeping closets that are equipped with shelving,
39 ventilated to the out-of-doors, and kept locked; and

1 (iii) A utility service area designed and equipped for washing,
2 disinfecting, storing, and housing medical and nursing supplies and
3 equipment; and

4 (i) Equipment and facilities to collect and dispose of all
5 sewage, garbage, refuse, and liquid waste in a safe and sanitary
6 manner.

7 (2) The office of the attorney general may enforce violations of
8 this section on its own initiative or in response to complaints or
9 violations.

10 **Sec. 3.** RCW 70.395.050 and 2023 c 419 s 3 are each amended to
11 read as follows:

12 (1) The department of health may at any time inspect a private
13 detention facility to determine whether it has failed or refused to
14 comply with the requirements of this chapter, the standards or rules
15 adopted under this chapter, or other applicable state or federal
16 statutes or rules regulating such facilities.

17 (2) The department of health shall:

18 (a) Conduct routine, unannounced inspections of private detention
19 facilities including, but not limited to, inspection of food service
20 and food handling, sanitation and hygiene, and nutrition as provided
21 in (c) of this subsection;

22 (b) Conduct investigations of complaints received relating to any
23 private detention facility located within the state;

24 (c) Regularly review the list of food items provided to detained
25 persons to ensure the specific nutrition and calorie needs of each
26 detained person are met, including any needs related to medical
27 requirements, food allergies, or religious dietary restrictions;

28 (d) Test water used for drinking and bathing and air quality
29 every six months at private detention facilities both inside and
30 outside of the facility; and

31 (e) Post inspection results on its website and in a conspicuous
32 place viewable by detained persons and visitors to private detention
33 facilities. Results should be posted in English and in languages
34 spoken by detainees, to the extent practicable.

35 ~~((2))~~ (3) The department of health may delegate food safety
36 inspections to the local health jurisdiction, where the local health
37 jurisdiction is in the county where the private detention facility is
38 located, to conduct inspections pursuant to regulations.

1 ~~((3))~~ (4) The department of health shall adopt rules as may be
2 necessary to effectuate the intent and purposes of this section in
3 order to ensure private detention facilities allow regular
4 inspections and comply with measurable standards providing sanitary,
5 hygienic, and safe conditions for detained persons.

6 ~~((4))~~ (5) The department of labor and industries shall conduct
7 routine, unannounced inspections of workplace conditions at private
8 detention facilities, including work undertaken by detained persons.

9 ~~((5))~~ (6) The office of the attorney general may enforce
10 violations of this section on its own initiative or in response to
11 complaints or violations.

12 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.395
13 RCW to read as follows:

14 In any case in which the department of health conducts an
15 inspection of a private detention facility and finds that the private
16 detention facility has failed or refused to comply with applicable
17 state statutes or regulations, the department of health may take one
18 or more of the following actions:

19 (1) When the department of health determines the private
20 detention center has previously been subject to an enforcement action
21 for the same or similar type of violation of the same statute or
22 rule, or has been given any previous statement of deficiency that
23 included the same or similar type of violation of the same or similar
24 statute or rule, or has failed to correct noncompliance with a
25 statute or rule by a date established or agreed to by the department
26 of health, the department of health may impose reasonable conditions
27 on the private detention center, which may include correction within
28 a specified amount of time, training, or hiring a consultant approved
29 by the department of health if the private detention facility cannot
30 demonstrate that it has access to sufficient internal expertise.

31 (2) (a) In accordance with the authority under RCW 43.70.095, the
32 department of health may assess a civil fine of up to \$10,000 per
33 violation, not to exceed a total fine of \$1,000,000, on a private
34 detention facility if the private detention facility has previously
35 been subject to an enforcement action for the same or similar type of
36 violation of the same statute or rule, or has been given any previous
37 statement of deficiency that included the same or similar type of
38 violation of the same or similar statute or rule, or has failed to

1 correct noncompliance with a statute or rule by a date established or
2 agreed to by the department of health.

3 (b) Proceeds from these fines may only be used by the department
4 of health to provide training or technical assistance to private
5 detention facilities.

6 (c) The department of health shall adopt in rules specific fine
7 amounts in relation to the severity of the noncompliance.

8 (d) If a private detention facility is aggrieved by the
9 department of health's action of assessing civil fines, the private
10 detention facility has the right to appeal under RCW 43.70.095.

11 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.395
12 RCW to read as follows:

13 As resources allow, the department of health shall make private
14 detention facility inspection statements of deficiencies, plans of
15 correction, notice of acceptance of plans of correction, enforcement
16 actions, and notices of resolution available to the public on the
17 internet.

18 **Sec. 6.** RCW 70.395.060 and 2023 c 419 s 4 are each amended to
19 read as follows:

20 (1) This section does not apply to private detention facilities
21 operating pursuant to a valid contract that was in effect prior to
22 January 1, 2023, for the duration of that contract, not to include
23 any extensions or modifications made to, or authorized by, that
24 contract.

25 (2) A private detention facility operating pursuant to a contract
26 or agreement with a federal, state, or local government shall comply
27 with the following:

28 ~~(a) ((A detained person, upon admission to a private detention~~
29 ~~facility, must be issued new clothing and new footwear for both~~
30 ~~indoor and outdoor use and for protection against cold and heat.~~
31 ~~Clothing issued must be regularly laundered and replaced at no cost~~
32 ~~once no longer hygienic or serviceable;~~

33 ~~(b) Any food items in the commissary must be available at~~
34 ~~reasonable prices taking into account the income and financial~~
35 ~~circumstances of detained persons;~~

36 ~~(c) Telecommunications services must be provided free of charge~~
37 ~~to detained persons and any communication, whether initiated or~~
38 ~~received through such a service, must be free of charge to the~~

1 ~~detained person initiating or receiving the communication. Each~~
2 ~~detained person must be eligible to use these telecommunications~~
3 ~~services for at least 60 minutes on each day of the person's~~
4 ~~detainment. Private detention facilities must not use the provision~~
5 ~~of telecommunications services or any other communication service to~~
6 ~~supplant in-person contact visits any detained person may be eligible~~
7 ~~to receive;~~

8 ~~(d) In-person visitation must be available daily. Visitation~~
9 ~~rooms must allow for the presence of children and personal contact~~
10 ~~between visiting persons and detained persons may not be restricted.~~
11 ~~A detained person may receive reading and writing materials during~~
12 ~~visitation;~~

13 ~~(e) Solitary confinement is prohibited;~~

14 ~~(f) Televisions must be available and accessible to a detained~~
15 ~~person at no cost. The private detention facility shall make every~~
16 ~~effort to make television programming available in the language of~~
17 ~~the detained person;~~

18 ~~(g) Handheld radios must be provided to a detained person at no~~
19 ~~cost;~~

20 ~~(h) A detained person may invite persons to the private detention~~
21 ~~facility to provide legal education, know your rights presentations,~~
22 ~~and other similar programming;~~

23 ~~(i) Computer and internet access must be available and accessible~~
24 ~~to a detained person at no cost;~~

25 ~~(j) A law library must be available and accessible;~~

26 ~~(k) Communication from the private detention facility to a~~
27 ~~detained person, either in writing or verbally, must be delivered in~~
28 ~~the primary language of the detained person;~~

29 ~~(l) Sexual violence and harassment grievances must be responded~~
30 ~~to immediately by culturally competent professionals on-site and~~
31 ~~reported to local law enforcement in the county where the private~~
32 ~~detention facility is located;~~

33 ~~(m) Mental health evaluations should occur at intake and~~
34 ~~periodically, at least once a week. Culturally competent mental~~
35 ~~health therapy must be available and free;~~

36 ~~(n) Requested medical care and attention must be provided without~~
37 ~~delay, including the provision of requested medical accommodations;~~

38 ~~(o) Rooms used by a detained person for sleeping must have access~~
39 ~~to windows, natural light, and natural air circulation. Subject to~~
40 ~~safety limitations, sleeping rooms must include adjustable curtains,~~

1 shades, blinds, or the equivalent installed at the windows for visual
2 privacy and that are shatterproof, screened, or of the security type
3 as determined by the private detention facility needs; and

4 ~~(p) A private detention facility must be equipped to respond to~~
5 ~~natural and human-made emergencies, including earthquakes, lahar~~
6 ~~threats, tsunami, and industrial accidents. A private detention~~
7 ~~facility must be earthquake resistant. A private detention facility~~
8 ~~shall develop emergency operation and continuity of operations plans~~
9 ~~and provide those plans to the local emergency management department.~~
10 ~~A private detention facility must stock all necessary personal~~
11 ~~protective equipment in case of disease outbreaks consistent with~~
12 ~~large numbers of people detained in close contact to one another.)~~)

13 The private detention facility shall:

14 (i) Comply with food service rules under chapters 246-215 and
15 246-217 WAC;

16 (ii) Designate an individual responsible for managing and
17 supervising food services 24 hours per day, including:

18 (A) Incorporating ongoing recommendations of a dietitian;

19 (B) Serving at least three meals a day at regular intervals with
20 15 or fewer hours between the evening meal and breakfast, unless the
21 facility provides a nutritious snack between the evening meal and
22 breakfast;

23 (C) Providing well-balanced meals and nourishments that meet the
24 current recommendations published in recommended dietary allowances
25 by the national research council, 10th edition, 1989, adjusted for
26 the detained person's age, sex, and activities unless
27 contraindicated;

28 (D) Making nourishing snacks available as needed for detained
29 persons, and posted as part of the menu;

30 (E) Preparing and serving therapeutic diets according to written
31 medical orders;

32 (F) Preparing and serving meals under the supervision of food
33 service staff;

34 (G) Maintaining a current diet manual, approved in writing by the
35 dietitian and medical staff, for use in planning and preparing
36 therapeutic diets; and

37 (H) Ensuring all menus: Are written at least one week in advance;
38 indicate the date, day of week, month, and year; include all foods
39 and snacks served that contribute to nutritional requirements;
40 provide a variety of foods; are approved in writing by the dietitian;

1 are posted in a location easily accessible to detained persons at the
2 facility; and are retained for one year;

3 (iii) Substitute foods, when necessary, of comparable nutrient
4 value and record changes on the menu;

5 (iv) Allow sufficient time for detained persons to consume meals;

6 (v) Ensure staff from dietary and food services are present in
7 the facility during all meal times; and

8 (vi) Keep policies and procedures pertaining to food storage,
9 preparation, and cleaning food service equipment and work areas in
10 the food service area for easy reference by dietary staff at all
11 times;

12 (b) The private detention facility shall provide a readily
13 available telephone for detained persons to make and receive
14 confidential calls, and make a nonpay telephone or equivalent
15 communication device readily accessible on each floor occupied by a
16 detained person for emergency use;

17 (c) The private detention facility shall provide a visiting area
18 allowing privacy for detained persons and visitors;

19 (d) The private detention facility shall develop and implement
20 the written policies and procedures consistent with assuring the
21 rights of detained persons, protecting against abuse and neglect, and
22 reporting suspected incidents, and post those policies and procedures
23 in a prominent place for detained persons at the facility to read;

24 (e) The private detention facility shall employ sufficient,
25 qualified staff to:

26 (i) Provide adequate services to detained persons;

27 (ii) Maintain the facility free of safety hazards; and

28 (iii) Implement fire and disaster plans;

29 (f) The private detention facility shall provide and document
30 orientation and appropriate training for all staff, including:

31 (i) Organization of the facility;

32 (ii) Physical layout of facility, including buildings,
33 departments, exits, and services;

34 (iii) Fire and disaster plans, including monthly drills;

35 (iv) Infection control;

36 (v) Specific duties and responsibilities;

37 (vi) Policies, procedures, and equipment necessary to perform
38 duties;

39 (vii) Policies related to the rights of detained persons and
40 protecting against abuse and neglect;

1 (viii) Managing the behavior of detained persons; and
2 (ix) Appropriate training for expected duties; and
3 (g) The private detention facility shall establish and implement
4 an effective facility-wide infection control program including, at a
5 minimum, the following:

6 (i) Written policies and procedures describing:
7 (A) Types of surveillance used to monitor rates of infections
8 originating at the facility;

9 (B) Systems to collect and analyze data; and

10 (C) Activities to prevent and control infections;

11 (ii) A review process to determine if staff and detained person
12 infections originated at the facility;

13 (iii) A procedure for reviewing and approving infection control
14 aspects of policies and procedures used in each area of the facility;

15 (iv) A procedure to monitor the physical environment of the
16 facility for situations which may contribute to the spread of
17 infectious diseases; and

18 (v) Provisions for:

19 (A) Providing consultation regarding care practices, equipment,
20 and supplies which may influence the risk of infection;

21 (B) Providing consultation regarding appropriate procedures and
22 products for cleaning, disinfecting, and sterilizing;

23 (C) Providing infection control information for orientation and
24 in-service education for staff providing direct care;

25 (D) Making recommendations, consistent with federal, state, and
26 local laws and rules, for methods of safe and sanitary disposal of
27 sewage, solid and liquid wastes, and infectious wastes, including
28 safe management of sharps;

29 (E) Identifying specific precautions to prevent transmission of
30 infections; and

31 (F) Coordinating employee activities to control exposure and
32 transmission of infections to or from employees and others performing
33 services.

34 (3) The office of the attorney general may enforce violations of
35 this section on its own initiative or in response to complaints or
36 violations.

37 **Sec. 7.** RCW 70.395.100 and 2023 c 419 s 10 are each amended to
38 read as follows:

1 RCW 70.395.040 through 70.395.080 and sections 4 and 5 of this
2 act do not apply to a facility that is:

3 (1) (~~Providing rehabilitative, counseling, treatment, mental~~
4 ~~health, educational, or medical services to juveniles who are subject~~
5 ~~to Title 13 RCW, or similarly applicable federal law;~~

6 ~~(2))~~ (2)) Providing evaluation and treatment or forensic services to
7 a person who has been civilly detained or is subject to an order of
8 commitment by a court pursuant to chapter 10.77, 71.05, 71.09, or
9 71.34 RCW, or similarly applicable federal law, including facilities
10 regulated under chapters 70.41, 71.12, and 71.24 RCW;

11 (~~(3))~~ (2) Used for the quarantine or isolation of persons for
12 public health reasons pursuant to RCW 43.20.050, or similarly
13 applicable federal law;

14 (~~(4))~~ (3) Used for work release under chapter 72.65 RCW, or
15 similarly applicable federal law;

16 (~~(5))~~ (4) Used for extraordinary medical placement;

17 (~~(6))~~ (5) Used for residential substance use disorder
18 treatment; or

19 (~~(7))~~ (6) Owned and operated by federally recognized tribes and
20 contracting with a government.

21 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
22 preservation of the public peace, health, or safety, or support of
23 the state government and its existing public institutions, and takes
24 effect immediately.

25 NEW SECTION. **Sec. 9.** If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
28 persons or circumstances is not affected.

29 NEW SECTION. **Sec. 10.** This act shall be construed liberally to
30 effectuate its purposes.

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