
SENATE BILL 6442

State of Washington

66th Legislature

2020 Regular Session

By Senator Saldaña

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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