

2023 -- S 0646

LC002273

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO CRIMINALS--CORRECTIONAL INSTITUTIONS -- PRIVATELY OWNED
AND OPERATED DETENTION FACILITIES

Introduced By: Senators McKenney, Kallman, Burke, Lauria, Tikoian, and DiMario

Date Introduced: March 07, 2023

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 13 of the General Laws entitled "CRIMINALS - CORRECTIONAL
2 INSTITUTIONS" is hereby amended by adding thereto the following chapter:

3 CHAPTER 14

4 PRIVATELY OWNED AND OPERATED DETENTION FACILITIES

5 **13-14-1. Definitions.**

6 As used in this chapter, the following terms have the following meanings:

7 (1) "Department of corrections" means a department within the executive branch of state
8 government established pursuant to the provisions of § 42-56-2;

9 (2) "Detention facility" means land, buildings, or improvements used for the purposes of
10 detaining prisoners;

11 (3) "Municipal detention facility" means existing detention facilities established pursuant
12 to the provisions of chapter 54 of title 45;

13 (4) "Operate" means to own, lease, manage, control or otherwise have any ownership or
14 leasehold interest therein, including pursuant to a contract, of a private detention facility;

15 (5) "Person" shall have the same meaning as defined in § 44-18-6;

16 (6) "Privately owned" means and includes all individuals, incorporated companies, co-
17 partnerships, business entities, or associations having any title or interest in any property, rights,
18 easements, or franchises that are not the state, a municipality, political subdivision, or a public

1 agency or instrumentality;

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

5 **13-14-2. Prohibition.**

6 A person shall not operate a private detention facility within the state; provided, however,
7 that any privately owned property or facility that is leased and operated by the department of
8 corrections or other law enforcement agency, operating pursuant to a valid contract with a
9 governmental entity that was in effect before January 1, 2023, may continue to operate for the
10 duration of that contract, and any extensions made to or authorized by that contract, until January
11 1, 2031.

12 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINALS--CORRECTIONAL INSTITUTIONS -- PRIVATELY OWNED
AND OPERATED DETENTION FACILITIES

- 1 This act would prohibit the operation of privately run detention facilities. Those currently
- 2 in operation may continue to do so until January 1, 2031.
- 3 This act would take effect upon passage.

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