



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19319

Proposed No. 2021-0249.1

Sponsors Kohl-Welles

1 AN ORDINANCE related to the Washington state
 2 Supreme Court's decision in State v. Blake, 197 Wn.2d 170
 3 (2021); making a supplemental appropriation of
 4 \$19,545,000 to several general fund agencies; and
 5 amending the 2021-2022 Biennial Budget Ordinance,
 6 Ordinance 19210, Sections 30, 31, 32, 34, 39 and 51, as
 7 amended.

8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

9 **SECTION 1. Findings:**

10 A. On April 20, 2021, the Washington state Supreme Court issued a decision in
 11 State v. Blake, 197 Wn.2d 170 (2021), finding the statute creating the crime of simple
 12 drug possession, RCW 69.50.4013, unconstitutional because it does not contain a
 13 knowledge element.

14 B. The State v. Blake decision invalidates convictions dating back to 1971, which
 15 were obtained in the name and by the authority of the state of Washington. The superior
 16 court, the district court, the prosecuting attorney and the court clerks acted as agents of
 17 the state in connection with prosecutions and convictions for drug possession.

18 C. The decision in State v. Blake results in cases that must be dismissed, warrants
 19 that must be quashed and defendants who must be resentenced. It is estimated that

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20 between 750 and 1,200 King County cases will require resentencing, some through
21 agreed orders and others through sentencing hearings where victims and defendants will
22 be entitled to address the court.

23 D. The decision in State v. Blake also requires that some defendants who have
24 completed their sentences be provided with relief in the form of vacated convictions and
25 the reimbursement of fines and fees paid to the state of Washington as part of the
26 conviction. It is estimated that petitions from as many as 50,000 defendants will need to
27 be carefully screened to determine legal eligibility for vacation and reimbursement.

28 E. As the convictions affected by the decision in State v. Blake and the effort to
29 unwind drug possession convictions since 1971 are brought in the name of and by the
30 authority of the state of Washington, all costs related to resentencing, vacating
31 convictions and reimbursing fines and fees required by the decision should be subject to
32 reimbursement from state funds.

33 F. Despite its constitutional obligations to fund the judiciary, the state of
34 Washington already ranks last in the nation for funding its state court system and any
35 failure by the state to cover costs associated with State v. Blake compliance can only
36 worsen this situation.

37 G. There is an immediate need for resources by the department of public defense,
38 the prosecuting attorney's office, the superior court, the district court and the department
39 of judicial administration to address the effects of the decision in State v. Blake refenced
40 in subsections A. through E. of this section.

41 H. King County will seek reimbursement from the state for all costs related to
42 resentencing, vacating convictions and reimbursing fines and fees required by the

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43 decision in State v. Blake.

44 SECTION 2. Ordinance 19210, Section 30, as amended, is hereby amended as

45 follows:

46 PROSECUTING ATTORNEY - From the general fund there is hereby

47 appropriated to:

48 Prosecuting attorney \$5,640,000

49 SECTION 3. Ordinance 19210, Section 31, as amended, is hereby amended as

50 follows:

51 SUPERIOR COURT - From the general fund there is hereby appropriated to:

52 Superior court \$620,000

53 SECTION 4. Ordinance 19210, Section 32, as amended, is hereby amended as

54 follows:

55 DISTRICT COURT - From the general fund there is hereby appropriated to:

56 District court \$963,000

57 SECTION 5. Ordinance 19210, Section 34, as amended, is hereby amended as

58 follows:

59 JUDICIAL ADMINISTRATION - From the general fund there is hereby

60 appropriated to:

61 Judicial administration \$1,019,000

62 SECTION 6. Ordinance 19210, Section 39, as amended, is hereby amended as

63 follows:

64 INTERNAL SUPPORT - From the general fund there is hereby appropriated to:

65 Internal support \$5,600,000

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66 SECTION 7. Ordinance 19210, Section 51, as amended, is hereby amended as
67 follows:

68 PUBLIC DEFENSE - From the general fund there is hereby appropriated to:

69 Public defense \$5,703,000

70

Ordinance 19319 was introduced on 7/6/2021 and passed by the Metropolitan King County Council on 7/27/2021, by the following vote:

Yes: 9 - Ms. Balducci, Mr. Dembowski, Mr. Dunn, Ms. Kohl-Welles,
Ms. Lambert, Mr. McDermott, Mr. Upthegrove, Mr. von Reichbauer
and Mr. Zahiray

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

DocuSigned by:
Claudia Balducci
7E1C273CE9994B6...
Claudia Balducci, Chair

ATTEST:

DocuSigned by:
Melani Pedroza
8DE1BB375AD3422...
Melani Pedroza, Clerk of the Council

APPROVED this ____ day of 8/12/2021, ____.

DocuSigned by:
Dow Constantine
4FBCAB8196AE4C6...
Dow Constantine, County Executive

Attachments: None

Certificate Of Completion

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Required hardware and software

Operating Systems:	Windows® 2000, Windows® XP, Windows Vista®; Mac OS® X
Browsers:	Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari™ 3.0 or above (Mac only)
PDF Reader:	Acrobat® or similar software may be required to view and print PDF files
Screen Resolution:	800 x 600 minimum

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