



Legislation Text

File #: 2021-0249, **Version:** 1

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

- A. On April 20, 2021, the Washington state Supreme Court issued a decision in State v. Blake, 197 Wn.2d 170 (2021), finding the statute creating the crime of simple drug possession, RCW 69.50.4013, unconstitutional because it does not contain a knowledge element.
- B. The State v. Blake decision invalidates convictions dating back to 1971, which were obtained in the name and by the authority of the state of Washington. The superior court, the district court, the prosecuting attorney and the court clerks acted as agents of the state in connection with prosecutions and convictions for drug possession.
- C. The decision in State v. Blake results in cases that must be dismissed, warrants that must be quashed and defendants who must be resentenced. It is estimated that between 750 and 1,200 King County cases will require resentencing, some through agreed orders and others through sentencing hearings where victims and defendants will be entitled to address the court.
- D. The decision in State v. Blake also requires that some defendants who have completed their sentences be provided with relief in the form of vacated convictions and the reimbursement of fines and fees

paid to the state of Washington as part of the conviction. It is estimated that petitions from as many as 50,000 defendants will need to be carefully screened to determine legal eligibility for vacation and reimbursement.

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

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

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

H. King County will seek reimbursement from the state for all costs related to resentencing, vacating convictions and reimbursing fines and fees required by the decision in State v. Blake.

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

PROSECUTING ATTORNEY - From the general fund there is hereby appropriated to:

Prosecuting attorney	\$5,640,000
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SECTION 3. Ordinance 19210, Section 31, as amended, is hereby amended as follows:

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

Superior court	\$620,000
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SECTION 4. Ordinance 19210, Section 32, as amended, is hereby amended as follows:

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

District court	\$963,000
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SECTION 5. Ordinance 19210, Section 34, as amended, is hereby amended as follows:

JUDICIAL ADMINISTRATION - From the general fund there is hereby appropriated to:

Judicial administration \$1,019,000

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

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

Internal support \$5,600,000

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

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

Public defense \$5,703,000