

New Washington state law makes drug possession a misdemeanor

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“It’s cool there’s a lot of people who are going to have a second chance to make things right,” says Shannon Bowman, whose drug arrest 20 years ago ultimately led to an overhaul of drug possession laws in Washington state (Shannon Bowman via AP) Less

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The Seattle Times

OLYMPIA, Wash. (AP) — The jeans were from American Eagle, via Goodwill, and they were too short for their new owner, 6-foot Shannon Bowman.

So Bowman stitched a couple inches of denim onto the bottom of the legs and put them on for the first time two days after her friend had given them to her. She didn’t notice the tiny, nearly empty baggie of methamphetamine in the coin pocket.

That fact more than four years later would lead to a Washington state Supreme Court decision striking down Washington's drug possession law; the expected vacation of tens of thousands of criminal convictions dating back decades; and the overhaul of the state's approach to drug possession signed into law by Gov. Jay Inslee on Thursday.

"It's cool there's a lot of people who are going to have a second chance to make things right," Bowman said in a recent interview. "Hopefully they go down a good road."

The bill signed by Inslee makes drug possession a misdemeanor, rather than the felony it was under the old law. Inslee said the measure will "help reduce the disparate impact of the previous drug possession statute on people of color."

"It moves the system from responding to possession as a felony to focusing on the behavioral health response, which is a much more appropriate and successful way to address the needs that underlie drug abuse," the governor said.

Oregon this year became the only other state to decriminalize the possession of small amounts of all types of drugs and increase access to treatment. Washington's measure likewise aims to greatly expand treatment services and outreach, including to homeless people with severe behavioral health issues.

The Washington measure requires police to divert a defendant's first two offenses to treatment before the case even made it to a prosecutor, and if a defendant's case ever reached a prosecutor, the prosecutor would be able to divert as well. Regional "recovery navigator" teams will be set up to help provide "continual, rapid, and widespread access to a comprehensive continuum of care" to "all persons with substance abuse disorder."

In two years, the provision classifying drug possession as a misdemeanor expires, reverting to current law with no prohibition. That's designed to give lawmakers time to re-evaluate how the state's new policies are working and potentially figure out a long-term strategy for drug policy.

The 5-4 ruling in Bowman's case – known as the Blake decision, because she was charged under a surname she hasn't used in more than 20 years – held that Washington's drug law was unconstitutional because it didn't require prosecutors to prove that a defendant knowingly had the drugs. That left the possession of small amounts of drugs, including heroin, cocaine and meth, legal under state law, even for children.

The justices issued the ruling in February, well into the legislative session in Olympia. Lawmakers scrambled to write a new law.

Bowman, 43, now lives in a motor home on her parents' property near Kettle Falls, north of Spokane. She has been working as a logger but the felony on her record long kept her from renting her own place, she said.

At the time of her arrest in 2016, she and her boyfriend, who was addicted to heroin, were renting a room in a Spokane house for \$200 a month. They had recently been homeless.

Police took her to jail, where her blood pressure was so high that they sent her to a hospital. When she returned to the jail, guards searched her and found the baggie in her coin pocket.

Bowman told the AP she had kicked an addiction to pain pills and never used meth because of her blood pressure. Had she known the baggie was in her jeans, she would have ditched it while she was at the hospital, she said.

She didn't think the outcome of her case made for good public policy.

"For there to be no punishment at all, I didn't feel like that was going to help anything. But felonies for people like me? That was a little extreme," she said.