

Washington State Judicial Branch

2023-25 Biennial Budget

Extend State v. Blake Extraordinary Court Cost and LFO Refund Authority

Agency: Administrative Office of the Courts

Decision Package Code/Title: 2M – Extend State v. Blake Exp Auth

Agency Recommendation Summary Text:

The Administrative Office of the Courts requests \$103.9 million in Judicial Stabilization Trust Account appropriation authority to continue efforts to refund courts' extraordinary costs and pay legal financial obligation refunds resulting from implementation of the February 2021 State v. Blake Supreme Court decision. (Judicial Stabilization Trust Account-State)

Fiscal Summary:

	FY 2024	FY 2025	Biennial	FY 2026	FY 2027	Biennial
Staffing						
FTEs	0.00	0.00	0.00	0.00	0.00	0.00
Operating Expenditures						
Fund 16A-1	\$51,926,500	\$51,926,500	\$103,853,000	\$0	\$0	\$0
Total Expenditures						
	\$51,926,500	\$51,926,500	\$103,853,000	\$0	\$0	\$0

Package Description:

In February 2021, the Washington Supreme Court ruled in the case State of Washington v. Blake that the felony drug possession statute was unconstitutional because an individual could have been convicted regardless of criminal intent. In Ms. Blake's case, she was charged with felony drug possession even though she alleged she was not aware the drugs were in her possession. The ruling was retroactive and has required the vacating of criminal convictions and reimbursement of legal financial obligations (LFO) going back to the statute's original date of passage in 1971.

In the 2021-23 enacted biennial budget, the Legislature appropriated \$68.0 million to AOC to reimburse counties for expenses related to vacating, resentencing, and refunding legal financial obligations. In the 2022 enacted supplemental budget, the Legislature appropriated an additional \$45.8 million increasing the original county allocations and adding new municipal court funding for this work. In all, \$112.8 was funded through a General Fund-State transfer to the Judicial Stabilization Trust Account (JSTA).

As of August 2022, the AOC has approved extraordinary cost and LFO reimbursements equaling \$8.9 million. This leaves \$103.9 million of the initial appropriations to fulfill Blake obligations for the remainder of the 2021-23 biennium and into the 2023-25 biennium. AOC will provide an update to the Legislature in February 2023 to inform the final appropriation in the 2023-25 budget.

Fully describe and quantify expected impacts on state residents and specific populations served:

General estimates are there could be as many as 260,000 felony cases impacted by the Blake ruling. This could impact tens of thousands of Washingtonians seeking vacating of criminal history, a review of their sentences, and a refund of LFOs paid.

Explain what alternatives were explored by the agency and why they were rejected as solutions:

There are no other alternatives to fund extraordinary court costs and LFO refunds.

What are the consequences of not funding this request?

If this request is not funded, courts and counties would bear all the costs of vacating and resentencing cases and refunding LFOs going back more than 50 years. They would be unable to absorb this financial burden and would lack the resources to complete the work. For those awaiting vacation and resentencing of their case, justice would be delayed.

Is this an expansion or alteration of a current program or service?

No

Decision Package expenditure, FTE and revenue assumptions:

This request simply continues the existing funding for extraordinary court costs and LFO refunds.

Expenditures by Object	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
N Grants, Benefits, and Client Services	51,926,500	51,926,500				
Total Objects	51,926,500	51,926,500				

How does the package relate to the Judicial Branch principal policy objectives?

This package directly relates to the Fair and Effective Administration of Justice and the Sufficient Staffing and Support policy objectives. In this instance, the AOC needs funding in order to fairly and effectively administer a judicial program.

Are there impacts to other governmental entities?

Other impacted entities include counties and cities, who support this request.

Stakeholder response:

There are myriad non-profits and other groups representing Blake-affected individuals, and many of them have been active participants in our efforts to-date. We anticipate that groups like the Civil Survival Project, the Way to Justice, the Freedom Project, the Northwest Justice Project, not to mention the numerous public defenders across the state are in full support of this request.

Are there legal or administrative mandates that require this package to be funded?

No

Does current law need to be changed to successfully implement this package?

No

Are there impacts to state facilities?

No

Are there other supporting materials that strengthen the case for this request?

None

Are there information technology impacts?

None

Administrative Office of the Courts
Policy Level – 2M – Continue Blake Implementation

Agency Contacts:

Christopher Stanley, 360-357-2406, christopher.stanley@courts.wa.gov

Angie Wirkkala, 360-704-5528, angie.wirkkala@courts.wa.gov