

Washington State Judicial Branch

2023-25 Biennial Budget

Civil Relief Under *State v. Blake*

Agency: Office of Civil Legal Aid

Decision Package Code/Title: AB – Civil Relief Under *State v. Blake*

Agency Recommendation Summary Text:

Funding is requested to continue providing legal assistance to individuals eligible for civil relief as a result the Washington Supreme Court's decision in *State v. Blake*. (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	\$2,340,000	\$2,433,600	\$4,773,600	\$2,530,944	\$2,632,182	\$5,163,126
Total Expenditures						
	\$2,340,000	\$2,433,600	\$4,773,600	\$2,530,944	\$2,632,182	\$5,163,126

Package Description:

On February 25, 2021, the Washington Supreme Court issued the opinion in *State v. Blake* (Blake) declaring that drug possession laws that impose a strict liability standard without an intent requirement are unconstitutional and void. The Blake decision effectively voided all drug possession convictions under current and prior state laws. In response to the Blake decision, the Washington State Legislature enacted a number of measures to address the retroactive implications including, but not limited to, (a) claims for relief from convictions that are now void, (b) recovery of legal financial obligations (LFO's), (c) recovery of wrongfully collected LFO's, (d) vacation of sentences, and (e) where appropriate, resentencing of offenders who have been convicted of multiple criminal offenses. The Legislature also provided substantial funding to the courts, counties, and a number of other entities to help address the impacts of the decision on those who have been previously convicted under unconstitutional laws. OCLA was tasked with providing online automated plain language forms, outreach, education, technical assistance, and some legal assistance to help resolve civil matters surrounding legal financial obligations and vacating the sentences of defendants whose convictions or sentences are affected by the decision in *State v. Blake*.

For FY 2023, the Legislature appropriated \$2.25 million for legal information, development and hosting of on-line forms, and direct civil legal assistance to individuals eligible for civil relief under the *State v. Blake* decision. This funding was appropriated on a one-time basis. Sec. 116(8), Ch. 297, Laws of 2022 (FY 2021-23 supplemental operating budget bill).

The Office of Civil Legal Aid contracted with three (3) civil legal aid providers (Civil Survival, Northwest Justice Project, and The Way to Justice) to provide the services set forth in the above referenced budget proviso. Services outlined in the budget proviso are being developed and provided throughout Washington state.

The needs of individuals affected by the *State v. Blake* decision will continue throughout the FY 23-25 biennium. To ensure continuity of services consistent with legislative recognition of need and intent to make such services available to *State v. Blake* affected individuals, this decision package requests a continuing appropriation of \$2.35M per year for FY 24 and FY 25 (adjusted for inflation) respectively.

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

The Legislature's comprehensive response to the *State v. Blake* decision ensures that, over time, all entitled to relief (vacation of conviction, resentencing, recovery of legal financial obligations and related costs) are able to secure such relief. While systems such as the Refund Bureau being developed by the Administrative Office of the Courts, investments to support county-based efforts, and investments in the provision of effective and extended indigent defense services through the Office of Public Defense will address many of the needs that flow from the *State v. Blake* decision, thousands of individuals will continue to need direct legal assistance and a range of self-help tools to enable them to seek and secure necessary civil relief (i.e., vacation of convictions; establishing, contesting, and recovering LFO's and related expenses incurred as a result of their unconstitutional convictions). Continued funding throughout the FY 23-25 biennium is critical to ensure continuity of the services that they will need.

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

There are no alternatives that will ensure continuity of essential civil legal aid services for individuals affected by the *State v. Blake* decision.

What are the consequences of not funding this request?

Dedicated professional legal assistance for individuals in need of legal information, advice, advocacy, and representation will cease effective June 30, 2023, leaving many thousands of individuals without meaningful recourse to enforcing civil legal claims resulting from the *State v. Blake* decision.

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

Funding requested will continue current levels of service to individuals affected by *State v. Blake*.

Decision Package expenditure, FTE and revenue assumptions:

State v. Blake related funding will continue to be contracted to three qualified non-profit civil legal aid providers at FY 2023 levels assuming a 4%/yr. increase for inflation.

Expenditures by Object	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>
C Personal Service Contracts	2,340,000	2,433,600	2,530,944	2,632,182
Total Objects	2,340,000	2,433,600	2,530,944	2,632,182

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

Services funded through this appropriation serve the following judicial branch objectives:

- Fair and Effective Administration of Justice
- Accessibility
- Access to Necessary Representation

Are there impacts to other governmental entities?

There are no impacts on other governmental entities.

Stakeholder response:

There is no opposition to this request. All Blake-affected communities and support organizations support 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?

No

Are there information technology impacts?

No

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