

Washington State Judicial Branch
2025-27 Biennial Budget
Office of Civil Legal Aid
Civil Legal Aid for Blake Impacted Individuals

Agency: Office of Civil Legal Aid

Decision Package Code/Title: 1G – Civil Relief Under State v. Blake

Agency Recommendation Summary Text:

In 2021 the Washington Supreme Court issued the opinion in *State v. Blake (Blake)* declaring drug possession laws without an intent requirement are unconstitutional. It is estimated that over 150,000 individuals are affected by the *State v. Blake* decision. Since 2021, the Office of Civil Legal Aid (OCLA), through contracted civil legal aid providers, has delivered comprehensive civil legal information, advice, assistance, and representation to individuals affected by the *Blake* decision. This decision package requests funding to continue legal assistance to individuals eligible for civil relief as a result of the Washington Supreme Court's decision in *State v. Blake*.

Fiscal Summary:

	FY 2026	FY 2027	Biennial	FY 2028	FY 2029	Biennial
Staffing						
FTEs	0.00	0.00	0.00	0.00	0.00	0.00
Operating Expenditures						
Fund 16A-1	\$2,748,000	\$2,748,000	\$5,496,000	\$2,885,000	\$2,885,000	\$5,770,000
Total Expenditures						
	\$2,748,000	\$2,748,000	\$5,496,000	\$2,885,000	\$2,885,000	\$5,770,000

Package Description:

On February 25, 2021, the Washington Supreme Court issued the opinion in *State v. Blake (Blake)*, declaring that drug possession laws without an intent requirement are unconstitutional. Since 2021, the Office of Civil Legal Aid (OCLA), through contracted civil legal aid providers, has delivered comprehensive civil legal information, advice, assistance, and representation to individuals affected by the *Blake* decision, primarily focusing on issues related to Legal Financial Obligations (LFOs) and convictions. This representation ensures that those entitled to relief receive fair and consistent treatment, regardless of the counties or municipalities where their *Blake*-related convictions occurred. These efforts have led to significant improvements in the jurisdictional processing of claims for LFO refunds and case sealing.

Now that the Administrative Office of the Courts (AOC) has established the LFO Refund Bureau, legal aid providers are essential to continue assisting *Blake*-affected individuals in obtaining these refunds. In FY 2024, contracted civil legal aid providers working with OCLA opened over 1,000 cases and conducted extensive community outreach, including the development and distribution of pro se self-help resources. Additional work is needed during the 2025-27 biennium to ensure the thousands of impacted individuals will continue to receive impactful self-help and navigation resources, advice, and direct legal assistance in seeking *Blake*-related vacatur and refunds, as well as ensuring the accuracy of their payment from the LFO Refund Bureau.

This decision package requests carryforward legislative funding to address and effect the right to civil relief as a consequence of the *Blake* decision. In addition, over the past two years, cumulative inflation has totaled 7.3%, according to the Consumer Price Index. As a result, services provided by the existing contracted civil legal aid providers will be

diminished without a funding increase. Consequently, this decision package also seeks a 5% vendor rate adjustment to address the rising operating costs faced by civil legal aid providers across the state.

Describe and quantify expected impacts on state residents.

Since 2021, Office of Civil Legal Aid (OCLA)-funded civil legal aid providers have delivered comprehensive civil legal information, advice, assistance, and representation to individuals affected by the *Blake* decision, primarily focusing on issues related to Legal Financial Obligations (LFOs) and convictions. In the last fiscal year, OCLA-funded *Blake* providers opened over 1,000 cases and conducted extensive community outreach, including the development and distribution of pro se self-help resources. This funding ensures that thousands of individuals will continue to receive impactful self-help and navigation resources, advice, and direct legal assistance.

Explain what alternatives were explored by the agency and why this was the best option chosen.

The Legislature has recognized the need for effective civil legal assistance to individuals entitled to relief under the *State v. Blake* decision. The 2023-25 biennial operating budget appropriated funding for one year (FY 2024) and that funding was continued for FY 2025 in the supplemental budget. There are no alternatives that will ensure continuity of essential civil legal aid services for such individuals, leading to the need for this decision package.

What are the consequences of not funding this request?

If this request is not funded, the limited-duration dedicated professional legal assistance for individuals affected by the *State v. Blake* decision will cease, leaving many thousands without the means to pursue their legal claims. Without this critical support, individuals will not have recourse to enforce their rights or to be made whole, resulting in unaddressed legal needs and potential injustices.

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

No, this decision package ensures continuity of current *Blake*-related civil legal assistance.

Decision Package expenditure, FTE and revenue assumptions:

Use Standard Costs? No

If No, Explain Additional Costs	Round to Nearest \$1,000				Description/Assumptions
	FY 26	FY 27	FY 28	FY 29	
Contracts	\$2,748,000	\$2,748,000	\$2,885,000	\$2,885,000	Program funding was \$5,234,000 for the 2023-25 biennium. A 5% vendor rate increase was calculated for the program with 50% of total funding allocated to the budget in each year of the biennium.

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

Fair and Effective Administration of Justice

This package supports the fair and effective administration of justice by ensuring the over 150,000 individuals affected by the *State v. Blake* decision receive the necessary legal representation to secure civil relief. By funding legal assistance for these individuals, the package upholds the principles of justice by rectifying unconstitutional convictions and ensuring equitable treatment across jurisdictions.

Accessibility

The package enhances accessibility to justice for *Blake*-affected individuals by providing them with legal resources and representation. This ensures that those impacted by the decision can navigate the legal processes required to recover legal financial obligations and address related civil matters, regardless of their financial means or geographical location.

Access to Necessary Representation

By funding legal aid for individuals affected by the *State v. Blake* decision, this package guarantees access to necessary legal representation. This support is crucial for individuals seeking to challenge Legal Financial Obligation (LFO) refunds and other civil issues resulting from their convictions, ensuring they have professional advocacy to protect their rights.

Commitment to Effective Court Management

N/A

Sufficient Staffing and Support

N/A

How does the package impact equity in the state?

Address any target populations or communities that will benefit from this proposal.

This package addresses equity by providing legal aid to individuals who have been disproportionately affected by the unconstitutional drug possession laws. African Americans in Washington are incarcerated at a rate 5.7 times higher than white people. These populations often include marginalized and low-income communities who have historically faced barriers to accessing legal representation. By offering targeted legal assistance, the package helps to correct systemic inequities and provides these individuals with the tools to secure their rights and financial relief.

Describe whether and, if so, how the agency received community input and engagement.

OCLA contracts with three “by and for” organizations to provide community directed trauma informed *Blake*-related legal services. Staff at all three of OCLA’s contractors include criminal justice affected individuals, allowing the organizations to provide OCLA with essential input and engagement.

Which target populations or communities would be disproportionately harmed by this proposal. Explain why and how these negative equity impacts will be mitigated.

No target populations or communities would be disproportionately harmed by this proposal. Instead, the proposal aims to mitigate existing inequities by providing necessary legal assistance to individuals who have been adversely impacted by unconstitutional convictions. The decision package includes measures to ensure that all affected individuals, particularly those from marginalized communities, have access to the resources they need to obtain justice and financial restitution.

Are there impacts to other governmental entities?

No

Stakeholder response:

All *Blake*-affected communities and support organization support this request. There is no opposition to this request.

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

Office of Civil Legal Aid
Policy Level – 1G – Civil Relief Under State v. Blake

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

Agency Contacts:

Sara Robbins

360-485- 1544

sara.robbsins@ocla.wa.gov

Philippe Knab, Eviction Defense/Reentry Programs Manager

360-485-1533

Philippe.knab@ocla.wa.gov