

# Washington State Judicial Branch 2025-27 Biennial Budget

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

**Agency:** Administrative Office of the Courts

**Decision Package Code/Title:** ZB – Extend State v. Blake Exp Auth

**Agency Recommendation Summary Text:** The Administrative Office of the Courts requests \$94.4 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 2026	FY 2027	Biennial	FY 2028	FY 2029	Biennial
<b>Staffing</b>						
FTEs	0.0	0.0	0.0	0.0	0.0	0.0
<b>Operating Expenditures</b>						
Fund 16A-1	\$47,191,000	\$47,191,000	\$94,382,000	\$0	\$0	\$0
<b>Total Expenditures</b>						
	\$47,191,000	\$47,191,000	\$94,382,000	\$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.

The Administrative Office of the Courts (AOC) was appropriated \$100.9 million in the 2023-25 biennium for paying extraordinary court costs and LFO reimbursements. At the close of Fiscal Year 2024, AOC has approved extraordinary costs and LFO reimbursements equaling \$6.5 million for the year. This leaves \$94.4 million to fulfill Blake obligations for the remainder of the 2023-25 biennium and into the 2025-27 biennium. AOC will provide an update to the Legislature in February 2025 to inform the final appropriation in the 2025-27 budget.

### Fully describe and quantify expected impacts on state residents.

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 this was the best option chosen.

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.

<b>Expenditures by Object</b>	<b><u>FY 2026</u></b>	<b><u>FY 2027</u></b>	<b><u>FY 2028</u></b>	<b><u>FY 2029</u></b>	<b><u>FY 2030</u></b>	<b><u>FY 2031</u></b>
N Grants, Benefits, and Client Services	47,191,000	47,191,000				
<b>Total Objects</b>	<b>47,191,000</b>	<b>47,191,000</b>				

**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.

**How does the package impact equity in the state?**

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

The Blake decision has affected individuals spanning generations (the retired to young people) and representing a wide range of socioeconomic standing. Daily, the Blake project staff hear from people that are appreciative of any amount of money they receive. In some cases, that amount is life-changing. Refunds have allowed people to secure housing, buy a car, get a job, seek medical attention, and care for loved ones or pets.

It has been noticed that the BIPOC populations within the incarcerated have been greatly impacted, especially within the more urban areas.

Incarcerated individuals have their case reviewed by the Blake Refund Bureau staff which may change their criminal history and reduce their sentence.

**Describe the how the agency conducted community outreach and engagement.**

Outreach has included both the community serving affected populations (i.e., treatment agencies, social service agencies, and transportation entities) and the courts with materials for the public they serve.

The Blake team has created written materials and online resources such as a website, FAQ email, Blake Hotline, a SECURUS line for incarcerated individuals to call free of charge, and on-line videos.

**Describe the disproportional impacts of this proposal.**

The Blake team works diligently to treat each individual equitably.

**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

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