

JUDICIAL IMPACT FISCAL NOTE

Bill Number: 5476 SB	Title: State v Blake Decision	Agency: 055 – Administrative Office of the Courts (AOC)
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Part I: Estimates

☐ **No Fiscal Impact**

Estimated Cash Receipts to:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
Total:					

Estimated Expenditures from:

STATE	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE – Staff Years					
Account					
General Fund – State (001-1)					
State Subtotal					
COUNTY					
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal					
CITY					
City FTE Staff Years					
Account					
Local – Cities					
Cities Subtotal					
Local Subtotal					
Total Estimated Expenditures:					

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form parts I-V

☒ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐ Capital budget impact, complete Part IV.

Legislative Contact:	Phone:	Date:
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Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date:
OFM Review:	Phone:	Date:

Part II: Narrative Explanation

This bill would remove criminal penalties for the possession of a controlled substance or a counterfeit substance or a legend drug that does not exceed the personal use amount. The bill would establish personal use amounts for various controlled substances. The bill would authorize law enforcement to refer individuals possessing a personal use amount of a controlled substance, counterfeit substance, or legend drug to a forensic navigator for the purpose of evaluation and treatment.

The bill would create a new civil infraction for using a controlled or counterfeit substance in a public place, with a maximum fine of \$125.

Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts

Section 2 – Would establish personal use amounts for various controlled, counterfeit and legend drug substances.

Section 3 – Provides that it would be unlawful for any person to create, deliver, or knowingly possess more than a personal use amount of counterfeit substance or a person under the age of 21 to knowingly possess a counterfeit substance of any amount.

Section 3(3) – Would provide that a person who possesses a counterfeit substance in an amount that does not exceed the applicable personal use amount may be referred to a forensic navigator for evaluation and services.

Section 4 - Provides that it would be unlawful for any person to create, deliver, or knowingly possess more than a personal use amount of a controlled substance or a person under the age of 21 to knowingly possess a controlled substance of any amount.

Section 4(3) – Would provide that a person who possesses a controlled substance in an amount that does not exceed the applicable personal use amount may be referred to a forensic navigator for evaluation and services.

Section 6 – Would provide that it is unlawful to open a package containing a counterfeit or controlled substance or consume a counterfeit or controlled substance in view of the general public or in a public place. Would provide that a person who violates this section would be guilty of a Class 2 Civil Infraction under RCW 7.80 and would be subject to a maximum fine of \$125. Would provide that proceeds from this infraction are to be deposited in the *State v. Blake* reimbursement account created by this bill.

Sections 7 and 8 - Provides that it would be unlawful for any person to create, deliver, or knowingly possess more than a personal use amount of a legend drug or a person under the age of 21 to knowingly possess a legend drug of any amount.

Section 12 – Would create the *State v. Blake* reimbursement account. Would provide that all penalties collected under RCW 69.50.445(4)(b) created by Section 6 of this bill, must be deposited into this account.

II.B - Cash Receipt Impact

Indeterminate. There is no data available to estimate the number of civil infractions that would result from this bill.

II.C – Expenditures

This bill would create a *mens rea* element of “knowingly” to certain drug possession statutes and would create personal use exemptions for counterfeit, controlled, or legend drug substances. Persons who possess drugs below the personal use limits established by this bill could be referred to “forensic navigators” by law enforcement as a resource for evaluation and treatment.

The bill would create a new civil infraction for using counterfeit, controlled, or legend drugs in a public setting, establishing a maximum penalty of \$125.

Judicial education would be required. Updates to the law tables and judicial system accounting codes would be required. These impacts would be managed within existing resources.

Part III: Expenditure Detail

III.A – Expenditures by Object or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE – Staff Years					
A – Salaries & Wages					
B – Employee Benefits					
C – Prof. Service Contracts					
E – Goods and Services					
G – Travel					
J – Capital Outlays					
P – Debt Service					
Total:					

III.B – Detail:

Job Classification	Salary	FY 2022	FY 2023	2021-23	2023-25	2025-27
Total FTE's						

Part IV: Capital Budget Impact

None.

Part V: New Rule Making Required

None.