

Insee says he'll call back legislators to pass drug possession law

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OLYMPIA – Gov. Jay Inslee says he will call a special session to get new legislation on certain drug possession laws that balance adequate penalties with the opportunities for drug treatment. (By Jim Camden / For The Spokesman-Review) [Buy this photo](#)

By Jim CamdenFor The Spokesman-Review

OLYMPIA – Gov. Jay Inslee will call the Legislature back into special session to enact a new law that covers certain drug crimes.

Shortly after the Legislature failed in the final hours of the session, to pass a compromise bill that dealt with both penalties and treatments for drug possession, Inslee said he will call lawmakers back as soon as they can reach an agreement. Without it, the state's drug possession laws will lapse on July 1, and local governments could enact their own.

The law should have have robust treatment options with appropriate criminal sanctions, he said.

"I'm confident they will start conversations as quickly as they can," Inslee said at his post-session press conference.

A few minutes later, however, Senate Majority Leader Andy Billig, D-Spokane, showed no enthusiasm for such discussions.

"We have been discussing the Blake bill the entire session," Billig said, referring to the state Supreme Court case that upended the state's drug possession laws. But, he added: "I will always talk."

Some local leaders and police officials have said they would prefer to set drug laws by local ordinances, Billig said. While that could happen if the Legislature can't reach an agreement by July 1, "If there's a path to a statewide solution... I think that's the best thing."

After wrestling with one of the most contentious issues involving certain drug offenses, the Legislature stalled Sunday night on a compromise critics called inadequate for the safety their communities demand.

The bill that tried to mix stricter law enforcement with greater opportunities for treatment failed in the House of Representatives, with 45 "yes" votes and 52 "no" votes.

Although Democrats briefly gathered to see if they could revive it, one of the bill's main supporters, Rep. Monica Stonier, D-Vancouver, declared the bill dead. Stonier said.

An effort in the Senate to replace the bill with new language before the 105-day session ended was discussed, but ultimately failed.

Although the bill raised certain instances of drug use and possession from simple misdemeanors to gross misdemeanors, critics said it had major loopholes that made it too light on punishment and too uncertain on responsive treatment.

"An individual can play games with the system," Rep. Peter Abbarno, R-Centralia, said. "It could pre-empt local governments from passing restrictions on paraphernalia."

Rep. Jacquelin Maycumber, R-Republic, said people around the state are afraid of the effects drug abuse has on their communities. But the treatment options mentioned in the bill might not be available throughout the state.

"Where do we put them," Maycumber asked of defendants who want to opt for treatment instead of jail time or fines. "There is not enough support. There isn't equity."

But supporters argued that doing nothing was a bad option, because the current law on drug possession expires July 1. Without a new law, cities and counties would enact their own laws.

That could result in a confusing array of drug possession laws in which something that is a drug offense on one side of a city boundary might not be an offense on the other side, Stonier said.

“A ‘no’ vote is to say ‘I don’t care,’ ” Rep. Larry Spring, D-Kirkland, said.

The Legislature worked all session to address a 2021 state Supreme Court decision that struck down Washington’s felony drug possession statutes. At issue in the case of State v. Blake was whether a lack of requirement that the state prove criminal intent on the part of the defendant violated his or her due process rights.

In response to that ruling, the Legislature passed a new law that made possession of relatively small amounts of illegal drugs a misdemeanor, punishable by up to 90 days in jail, a \$1,000 fine or both. But prosecutors were required to divert defendants to assessment and treatment for their first two arrests and may offer a treatment option for subsequent arrests.

A proposal passed the Senate with bipartisan support in early March that raised some drug possession situations to a gross misdemeanor, with tougher penalties. After the House amended that proposal on April 11 by reducing many possessions to misdemeanors and others to civil infractions, the Senate refused to go along. A special conference committee was set up over the weekend to try to strike a compromise that could pass both chambers.