



King County

Dow Constantine

King County Executive

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June 24, 2021

The Honorable Claudia Balducci
Chair, King County Council
Room 1200
C O U R T H O U S E

Dear Councilmember Balducci:

This letter transmits a proposed budget supplemental appropriation Ordinance that, if enacted, would provide County funds for King County to comply with the Washington State Supreme Court's decision in *State v. Blake*, 197 Wash. 2d 170, 174, 481 P.3d 521, 524 (2021) and funds for mandatory resentencing required by Washington State Supreme Court via *State v. Ali, In Re Personal Restraint of Monschke* and Senate Bill 5164 passed by the Washington State Legislature.

State v. Blake held unconstitutional Washington State's simple drug possession law. The State Supreme Court's decision requires several remedies for persons with prior convictions for simple drug possession, including a right to resentencing vacation of the conviction and refund of all legal financial obligations paid in connection with the conviction. These remedies include resentencing for defendants serving time in state Department of Corrections facilities for possession of a controlled substance, as well as resentencing for defendants sentenced for other crimes whose offender score was affected by prior possession convictions. Refunding legal financial obligations requires careful screening of legal eligibility and confirmation of identity.

The proposed supplemental request would provide \$5.6 million in legal financial obligations refunds and \$12.7 million for conviction vacations, resentencing related to *State v. Blake*, and refund administration. Because all simple drug possession convictions were obtained in the name of, and by the authority of, the State of Washington, appropriated amounts are expected to be reimbursed from state funds.

The proposed supplemental budget request would also provide \$1.2 million to conduct resentencing in King County Superior Court related to other recent State Supreme Court rulings and legal changes mandate resentencing, including:

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- *State v. Ali*: mandated resentencing for standard-range sentences imposed in adult court on offenders who committed crimes while under the age of 18.
- *In Re Personal Restraint of Monschke*: mandated resentencing of 18 and 20-year-olds sentenced to mandatory life without the possibility of parole.
- Senate Bill 5164: mandated resentencing for defendants sentenced to life as a persistent offender if one of the predicate felonies was robbery in the second degree.

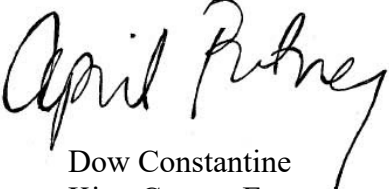
Providing these remedies requires additional resources for the Department of Public Defense, the Prosecuting Attorney's Office, Superior Court, District Court, and the Department of Judicial Administration.

This work furthers the King County Strategic Plan goal to provide for a safe and just community through proactive law enforcement and an accessible and fair justice system, while implementing alternatives to divert people from the criminal justice system.

I certify that funds are available.

Thank you for your partnership and consideration of this proposed Ordinance. If your staff have questions, please contact Dwight Dively, Director, Office of Performance, Strategy and Budget, at 206-263-9687.

Sincerely,

 for

Dow Constantine
King County Executive

Enclosure

cc: King County Councilmembers
 ATTN: Carolyn Busch, Chief of Staff
 Melani Pedroza, Clerk of the Council
Shannon Braddock, Deputy Chief of Staff, Office of the Executive
Karan Gill, Director, Council Relations, Office of the Executive
Dwight Dively, Director, Office of Performance, Strategy, and Budget