



ESB 5476-  
Addressing  
*State v. Blake*

# Background

# State v. Blake

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State v. Blake- 2016

Shannon Blake was arrested and convicted of Unlawful Possession of Controlled Substance

February 25, 2021

Supreme Court Decision ruled Controlled Substance Statute (RCW 69.50.4013) unconstitutional

Law lacked a *mens rea* element, which allowed for prosecution and conviction of individuals who unknowingly possessed illegal substances

# De-Facto Decriminalization

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## Who was impacted?

- Anyone charged and convicted under the law as it was written

## Current Charges

- Release from Jail
- Dismissal of charges
- Sentencing scores to be recalculated

## Next steps

- City of Marysville
- Lewis County
- Need for Statewide Response and solution

ESB 5476  
Addressing *State v. Blake*  
through criminal legal system  
and behavioral health system  
responses

# Revised possession/paraphernalia laws

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## ▶ Statute provisions

- ▶ Added the word “knowingly” to the possession statutes.
  - ▶ Removed the language: test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body
  - ▶ Possession of a controlled substance or counterfeit substance is now a misdemeanor.
- ▶ Provisions expire July 1, 2023, at which time the statutes revert to the previous language, unless the legislature extends or enacts new legislation.

# Changes to Law enforcement

## Basic Law Enforcement Academy Training

- Interaction with persons with substance use disorders including persons with co-occurring substance use and mental health conditions.
- Training on referring individuals to treatment and recovery services, and the unique referral process for youth.
- Developed and implemented by 07.01.22.

## Amendments to Chapter 10.31 (Warrants and arrests)

- Directs police officers to refer individuals with substance use disorders to community-based programs, include youth, adult, or mobile crisis response services.

## Prosecutors

- Encouraged to divert cases for assessment, treatment, or other services

# Resentencing hearings

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Court Commissioners are given authority to conduct Blake resentencing and vacation hearings.

Allows Department of Corrections to release an individual subject to incarceration before the term of their sentence by a court order, if after resentencing or vacation they have served the new term of their sentence.

Removes a fingerprint requirement for revised judgment and sentences which derive from a resentencing under State v. Blake.



# ESB 5476

## Behavioral health initiatives

# Substance Use Recovery services plan

## Committee

- HCA will Establish advisory committee
- Appoint various legislatively required members
- Focus on individuals with lived experience, historically under-represented groups, and BIPOC populations

## The Plan

- The Committee will create the Plan
- Address barriers to accessing treatment
- Design Referral Mechanism
- Plan and subsequent Rules/Contracts must give due consideration to youth experience

## Framework & design

- Requirements for diversion to community-based services.
- Design referral mechanism for community-based engagement with treatment and recovery support services

# Continuum of Integrated Services

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## Recovery Support Services- Expansion

- Homeless outreach stabilization transition (HOST) program
- SUD Family Navigator Grant Programs
- Expansion of Clubhouse- Community-Based Services

## Addressing Opioid Use Disorder

- Contingency Management for Opioid Treatment Networks
- Medications for Opioid Use Disorder in City, County, Tribal Jails

## Recovery Navigator Program

- Provide community-based outreach, intake, assessment, referral, and intensive case management services to youth and adults

# Recovery Navigator Program

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- ▶ Provide community-based outreach, intake, assessment, referral, and long-term intensive case management services to individuals with substance use disorders who are referred to the program.
- ▶ HCA to develop a statewide Uniform Program Standards
- ▶ Referral process for in-custody and rapid response times for other settings

# Behavioral Health appropriations

	State fiscal year '22 (General-state fund)	State fiscal year '23 (General-state fund)	Biennium (Federal fund)
Recovery Navigator program	\$25 million	\$20 million	
HOST	\$5 million	\$7.5 million	
MOUD in jail	\$2.5 million	\$2.5 million	
Clubhouse service expansion	\$1.6 million	\$3.1 million	\$3.8 million
Short term housing vouchers	\$.5 million	\$.5 million	
SUD family navigator grant program	\$.5 million	\$.5 million	

# Funding to support impact on court system

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- ▶ \$44.5 million to reimburse counties for resentencing
- ▶ \$23.5 million to reimburse legal financial obligations repayments
- ▶ \$4.5 million for therapeutic court grants
- ▶ \$11 million for public defenders
- ▶ \$1.2 million to aid in outreach, education, technical assistance, legal assistance



# Questions?

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