



ESB 5476-
Addressing
State v. Blake

SCRILS
06.25.21

Washington State
Health Care Authority

Background

State v. Blake

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

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

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

Revised possession/paraphernalia laws

▶ 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

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.

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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

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

- ▶ 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

- ▶ \$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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