



Washington State
Office of
Public
Defense

State v. Blake Update

Washington State Office of Public Defense

December 5, 2025

House Civil Rights & Judiciary Committee, Washington State Legislature



- In February 2021, Washington's former drug possession law is found unconstitutional.
- Hundreds of thousands of possession convictions since 1971 are impacted.
- Resentencing and vacates are not self-executing.

Consequences of an unvacated conviction can include loss of access to housing, employment, student loans, and social connection (i.e., ability of a parent to participate in a child's school activity).



The Legislature directed OPD to “assist counties and cities in providing counsel for defendants seeking to vacate a conviction and/or be resentenced,” “maintain a triage team to provide statewide support to the management and flow of hearings,” and “to provide attorney training, technical assistance, and data analysis and reporting, and quality oversight.”

[Sec.115\(3\), Chapter 424](#)
[Laws of 2025](#)

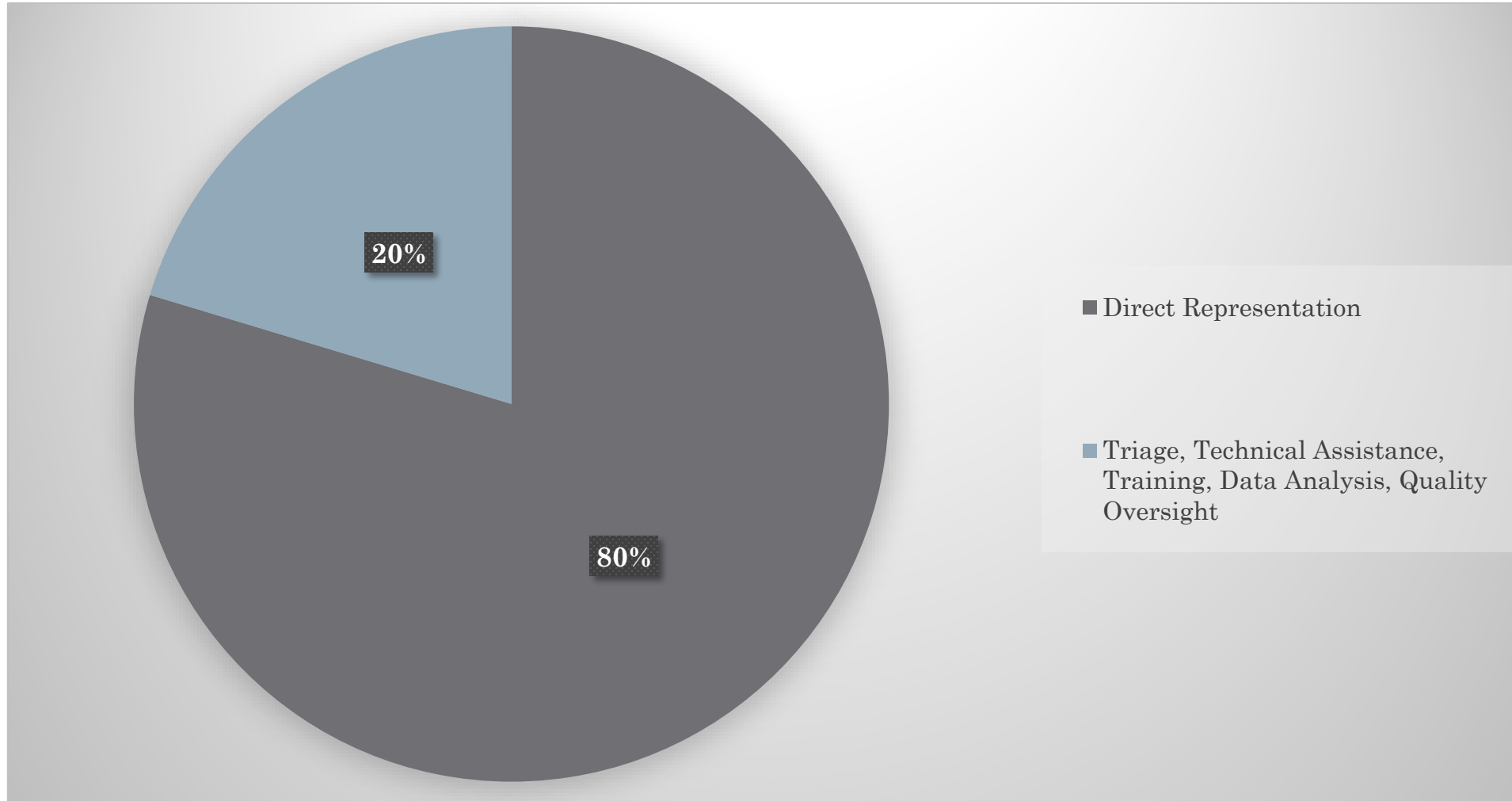
OPD Blake
Funding
For Current
Biennium

Biennial Appropriation:
\$8,615,000, shared with
another OPD Program

Biennial allocation for Blake:
\$4,719,635

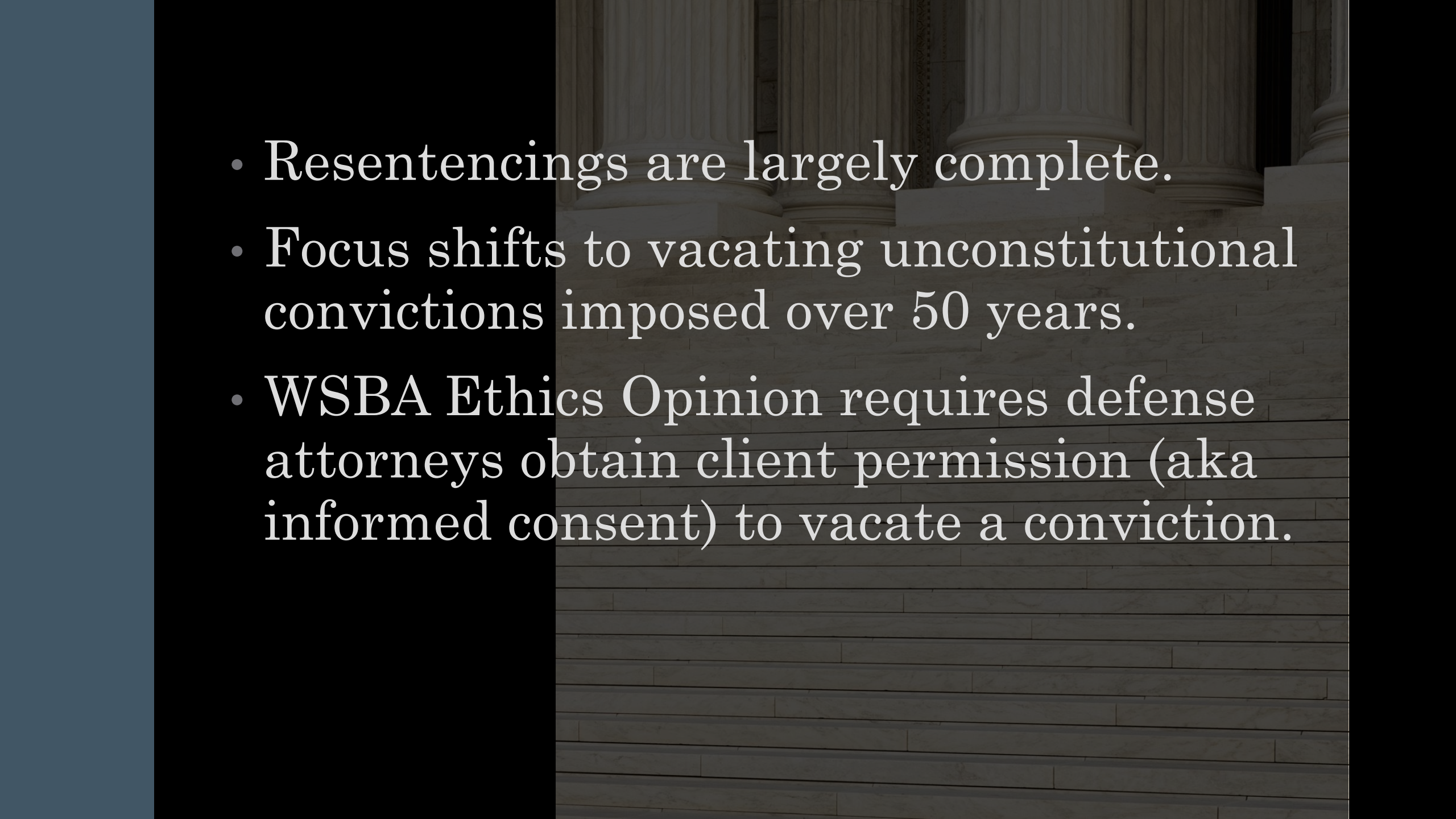
FY26 allocation for Blake:
\$3,067,508

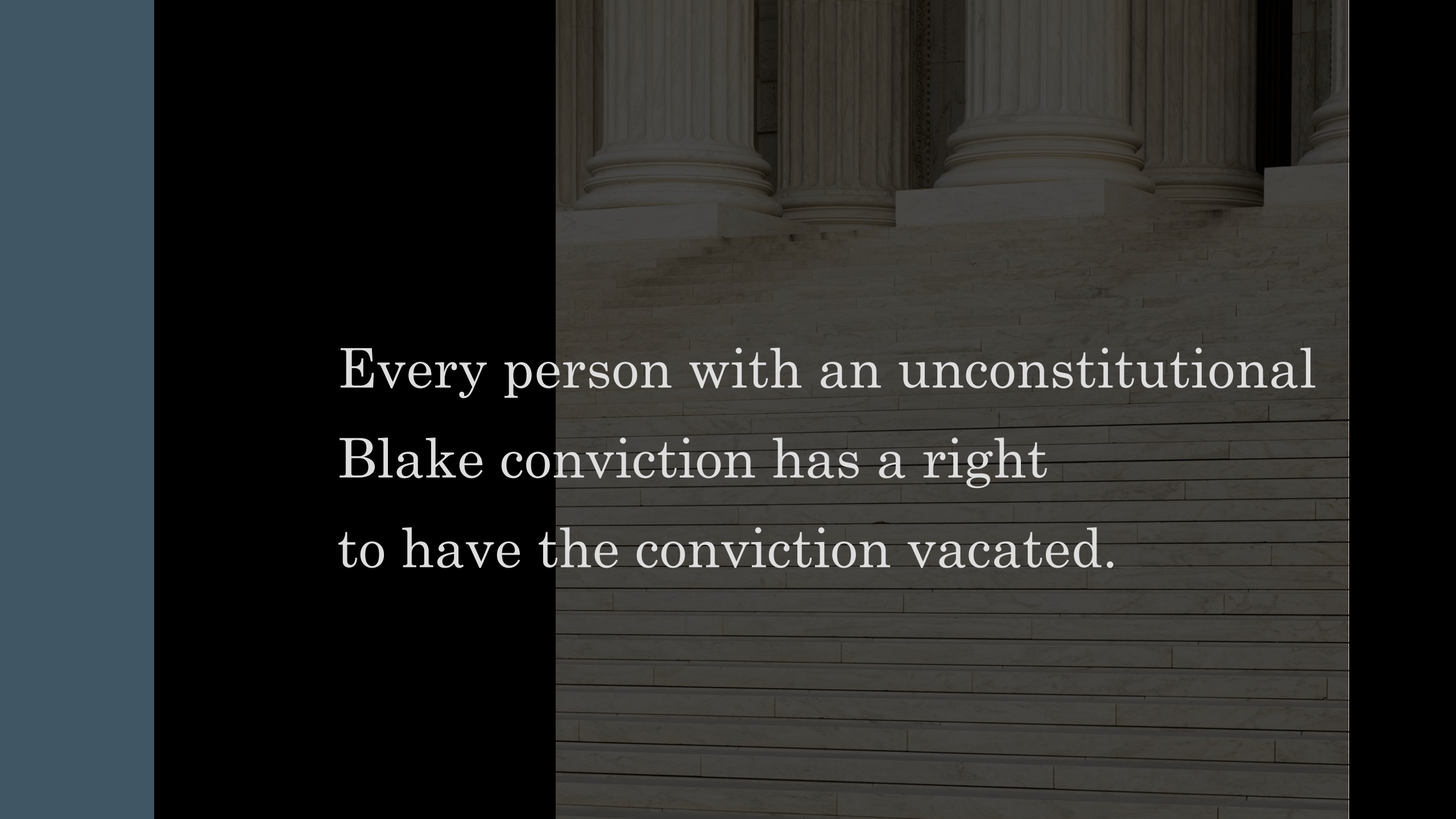
Of the \$3M designated for Blake in FY26:



In FY27, OPD
will need to
reduce direct
representation
by 59%



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- Resentencings are largely complete.
 - Focus shifts to vacating unconstitutional convictions imposed over 50 years.
 - WSBA Ethics Opinion requires defense attorneys obtain client permission (aka informed consent) to vacate a conviction.



Every person with an unconstitutional
Blake conviction has a right
to have the conviction vacated.

A Journey to Justice

- **59%** of felony superior court cases still need to be vacated statewide*
- **82%** of misdemeanor district court cases still need to be vacated statewide*
- **50%** of misdemeanor municipal court cases still need to be vacated statewide*



**Source: Washington State Patrol July 2025 Vacate Data*



497 calls to OPD's Blake Line,
representing **62** hours of call time,
since July 1, 2025.



1,300 open vacate cases currently
assigned to OPD-funded attorneys
as of November 12, 2025.



1,870 cases completed by OPD-
funded attorneys in Q1 of FY26.

It's A
Ground
Game on
Vacates



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Questions?
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