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**SUBSTITUTE SENATE BILL 5780**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Torres, Dhingra, Padden, Boehnke, L. Wilson, Braun, Frame, Hasegawa, Kuderer, Lovick, Mullet, Nguyen, Warnick, and J. Wilson)

AN ACT Relating to encouraging participation in public defense and prosecution professions; adding new sections to chapter 2.70 RCW; adding new sections to chapter 43.101 RCW; adding a new section to chapter 43.330 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature finds that the lack of availability of public defense attorneys and deputy prosecutors is an increasing problem in Washington and neighboring states which threatens the ability of court systems to process criminal filings, particularly within rural areas. The legislature intends to encourage law students to enter public defense practice and prosecution and to remove barriers to practice in underserved areas and rural areas of the state.

NEW SECTION. **Sec.**  A new section is added to chapter 2.70 RCW to read as follows:

(1) Subject to appropriations, the office of public defense shall administer a law student rural public defense program. The program shall coordinate with one or more law schools to place law students who are eligible to practice as a licensed legal intern under Washington state admission and practice rule 9 and/or recent law school graduates as legal interns with experienced public defense attorneys located in underserved areas and rural areas of the state. The program must allow the intern to gain real-world public defense experience under the mentorship of the experienced public defense attorney, including active representation and litigation opportunities, with the purpose of encouraging the intern to consider, or not be deterred from pursuing, employment opportunities in public defense in underserved areas and rural areas of Washington state. The internship may be structured to correspond with time periods relevant to the academic calendar. Eligible internship placements shall include government and nonprofit public defense agencies as well as private firms that contract to provide public defense services.

(2) Contracts established by the office of public defense under this section shall include monthly compensation and housing stipends for program participants. Contracts may include partial reimbursement for the supervising attorney.

NEW SECTION. **Sec.**  A new section is added to chapter 2.70 RCW to read as follows:

Subject to appropriations, the office of public defense shall expand the capacity of its criminal defense training academy program to train practitioners who are new to public defense. The program must include and prioritize training for practitioners in underserved areas and rural areas of the state. The program must offer intensive trial skill development, incorporate public defense best practices and applicable standards, and offer networking opportunities. Trainings may incorporate in-person, remote, and recorded resources. By June 30, 2026, the office of public defense shall expand program offerings to also provide training to public defense practitioners who are seeking to achieve advanced qualifications.

NEW SECTION. **Sec.**  A new section is added to chapter 43.101 RCW to read as follows:

Subject to appropriations, the criminal justice training commission, shall provide trial skills training for practitioners who are new to prosecution, or contract with an entity that serves prosecuting attorneys in Washington to provide that training. The program must include and prioritize training for practitioners in underserved areas and rural areas of the state. The program must offer intensive trial skill development, incorporate prosecution best practices, provide training related to ethical duties of prosecutors, and offer networking opportunities. Trainings may incorporate in-person, remote, and recorded resources. By June 30, 2026, the criminal justice training commission, or its grantee who serves prosecuting attorneys in Washington, shall expand a trial skills program to include advanced trial skills training.

NEW SECTION. **Sec.**  A new section is added to chapter 43.101 RCW to read as follows:

(1) Subject to appropriations, the commission shall administer a law student rural public prosecution program, or contract with a statewide entity which represents prosecuting attorneys to run the program. The program shall coordinate with one or more law schools to place law students who are eligible to practice as a licensed legal intern under Washington state admission and practice rule 9 and/or recent law school graduates as legal interns with prosecuting attorneys located in underserved areas and rural areas of the state. The program must allow the intern to gain real-world prosecution experience under the mentorship of the experienced prosecuting attorney or their deputy, including active litigation opportunities, with the purpose of encouraging the intern to consider, or not be deterred from pursuing, employment opportunities in prosecution in underserved areas and rural areas of Washington state. The internship may be structured to correspond with time periods relevant to the academic calendar.

(2) Contracts established under this section shall include monthly compensation and housing stipends for program participants. Contracts may include partial reimbursement for the supervising attorney.

NEW SECTION. **Sec.**  A new section is added to chapter 43.330 RCW to read as follows:

(1) Subject to appropriations, a law school loan repayment program for public defenders and prosecutors is established at the Washington state department of commerce. The director may model the program on the federal John R. Justice student loan repayment program except as provided in this section.

(2) To qualify for the law school loan repayment program, the applicant must be an attorney licensed in Washington and practicing full-time in public defense or as a prosecutor in Washington. Full-time is defined as at least 30 hours per week for a year.

(3) Participants in the program must make a commitment to maintain employment for at least three years in one or more qualifying positions as a public defender or prosecuting attorney. The participant must fulfill this commitment within five years of entry into the program. The director may extend this five-year period for good cause, or waive the three-year commitment if family or medical circumstances prevent the applicant's continuing employment as a public defender or prosecutor. Loan repayment assistance shall be provided on a monthly basis unless less frequent disbursements are requested by the applicant. The director shall require the participant to immediately inform the director of a change in the participant's qualifying employment and may require verification at reasonable intervals.

(4) A program participant must be required to repay 100 percent of loan repayment funds disbursed during a month or other period in which the participant does not maintain qualifying employment. A participant who does not complete the three-year commitment to maintain employment in one or more qualifying positions as a public defender or prosecuting attorney, and who is not excused wholly or partially from repayment by the director for good cause, shall otherwise be required to repay:

(a) 75 percent of loan repayment funds received if the participant completes less than one year of the three-year commitment;

(b) 50 percent of loan repayment funds received if the participant completes at least one year but less than two years of the three-year commitment; and

(c) 25 percent of loan repayment funds received if the participant completes at least two years but less than three years of the three-year commitment.

(5) The director may establish reasonable terms for repayment, including charging a reasonable rate of interest commencing when the repayment obligation is triggered or voluntarily assumed by the participant.

(6) An individual may continue to participate in the law school loan repayment program for public defenders and prosecutors after the individual has fulfilled the three-year commitment to maintain qualifying employment. The maximum repayment assistance an individual may receive through the program is $20,000 per year up to a lifetime cap of $120,000 per participant.

(7) For the purpose of this section, practicing in public defense includes attorneys who are court appointed to represent indigent persons in criminal, juvenile offender, and other case types where the constitutional or statutory right to court appointment of counsel exists for indigent persons. Applicants must be public defense attorneys, including supervisors and trainers, and may be:

(a) Employees of the state or units of local governments;

(b) Employees of nonprofit organizations that operate under contracts with the state or units of local governments; or

(c) Employees of private law firms or solo practicing attorneys that contract with the state or units of local governments to provide public defense.

(8) For the purpose of this section, practicing as a prosecutor includes prosecuting attorneys employed by city or county prosecuting attorney offices, including supervisors and trainers, who handle either criminal cases, juvenile offender cases, or other case types in which a constitutional or statutory right to court-appointed counsel attaches to the respondent.

**--- END ---**