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**SUBSTITUTE SENATE BILL 5027**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senate Higher Education & Workforce Development (originally sponsored by Senators Torres, Dhingra, Dozier, Frame, Gildon, Harris, Hasegawa, Holy, King, Krishnadasan, Liias, Nobles, Riccelli, Saldaña, Salomon, Slatter, Trudeau, and Warnick)

AN ACT Relating to establishing a loan repayment program for public defense attorneys and prosecutors; and adding new sections to chapter 28B.77 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 28B.77 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, a law school loan repayment program for public defenders and prosecutors is established.

(2) To qualify for the program, the applicant must be an attorney licensed in Washington state and practicing full time in public defense or as a prosecutor in Washington state. Full time for a public defense attorney is defined as the equivalent of at least 80 percent of a public defender caseload standard endorsed by the Washington state bar association. The office may exercise discretion in appropriate circumstances to allow participants who reduce their working hours below this amount to remain in the program and make adjustments to the participants' service obligation as long as they remain engaged in public defense or prosecution.

(3) Participants in the program must make a commitment to maintain employment or contract status for at least three years in one or more qualifying positions providing full-time work as a public defender or prosecuting attorney. The office may extend the time for fulfillment of the three-year commitment period for good cause; however, the office may only waive the requirement if family or medical circumstances prevent the participant's continuing employment as a public defender or prosecutor. The office shall require the participant to immediately inform the office of a change in the participant's qualifying employment and may require verification at reasonable intervals.

(4) Participants in the program who are awarded loan repayments must receive payment for the purpose of repaying educational loans secured while attending law school to become an attorney licensed in Washington state and practicing full time in public defense or as a prosecutor in the state of Washington. The repayment assistance a participant may receive must be at least $20,000 per year, for three years, with the ability to extend for an additional three years if program funding allows. Repayment may not exceed a total of $120,000 per participant and may not exceed the participant's loan debt. Loan repayment assistance must be provided on a quarterly basis payable after the participant has completed the participant's service obligation for each quarter.

(a) Participants must agree to meet the required service obligation.

(b) Repayment is limited to eligible educational and living expenses as determined by the office and includes principal and interest.

(c) Loans from both government and private sources may be repaid by the program. Participants must agree to allow the office access to loan records and to acquire information from lenders necessary to verify eligibility and to determine payments. Loans may not be renegotiated with lenders to accelerate repayment.

(d) Repayment of loans established pursuant to the law school loan repayment program for public defenders and prosecutors must begin no later than 90 days after the individual has become a participant. Payments must be made quarterly, or more frequently if deemed appropriate by the office, to the participant until the loan is repaid or the participant becomes ineligible due to change in employment or contract status after the required service obligation when eligibility discontinues, whichever comes first.

(e) Should the participant's employment or contract status change and make them ineligible, payments against the loans of the participants cease to be effective on the date that the participant discontinues service.

(f) Except for circumstances beyond their control, participants who serve less than the required service obligation are obligated to repay to the program an amount equal to the unsatisfied portion of the service obligation, or the total amount paid by the program on their behalf, whichever is less. This amount is due and payable immediately. Participants who are unable to pay the full amount due must enter into a payment arrangement with the office, including an arrangement for payment of interest. The maximum period for repayment is 10 years. The office shall determine the applicability of this subsection. The office shall determine the interest rate by rule.

(g) The office is responsible for the collection of payments made on behalf of participants from the participants who discontinue service before completion of the required service obligation. The office shall exercise due diligence in such collection, maintaining all necessary records to ensure that the maximum amount of payment made on behalf of the participant is recovered. Collection under this section must be pursued using the full extent of the law, including wage garnishment if necessary.

(h) The office may not be held responsible for any outstanding payments on principal and interest to any lenders once a participant's eligibility expires.

(i) The office shall establish an appeal process by rule.

(5) In the event that funding provided is insufficient to cover all applicants, the office shall give priority to public defense attorneys or prosecutors practicing in rural areas.

(6) For the purpose of this section:

(a) 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 employees of:

(i) The state or units of local governments;

(ii) Nonprofit organizations that operate under contracts with the state or units of local governments; or

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

(b) Practicing as a prosecutor includes prosecuting attorneys employed full time 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.

NEW SECTION. **Sec.**  A new section is added to chapter 28B.77 RCW to read as follows:

(1) Any funds appropriated by the legislature for the law school loan repayment program for public defenders and prosecutors, or any other public or private funds intended for loan repayments or scholarships under this program, must be placed in the account created by this section.

(2) The law school loan repayment program for public defenders and prosecutors account is created in the custody of the state treasurer. All receipts from the program must be deposited into the account. Expenditures from the account may be used only for the law school loan repayment program for public defenders and prosecutors. Only the office, or its designee, may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

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