

# SENATE BILL REPORT

## SB 5027

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As of January 20, 2025

**Title:** An act relating to establishing a loan repayment program for public defense attorneys and prosecutors.

**Brief Description:** Establishing a loan repayment program for public defense attorneys and prosecutors.

**Sponsors:** Senators Torres, Dhingra, Dozier, Frame, Gildon, Harris, Hasegawa, Holy, King, Krishnadasan, Lias, Nobles, Riccelli, Saldaña, Salomon, Slatter, Trudeau and Warnick.

**Brief History:**

**Committee Activity:** Higher Education & Workforce Development: 1/20/25.

**Brief Summary of Bill**

- Creates a law school loan repayment program for public defenders and prosecutors.

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### SENATE COMMITTEE ON HIGHER EDUCATION & WORKFORCE DEVELOPMENT

**Staff:** Kellee Gunn (786-7429)

**Background:** State Programs for Loan Repayment Under the Washington Health Corps. Washington State offers loan repayment for certain licensed health professionals if certain conditions are met, such as providing care at approved sites in critical shortage areas or teaching an approved nursing program. Awardees must commit to a minimum of three years and may receive a maximum award amount of \$75,000. Default penalties may be equal to the unsatisfied portion of the service obligation or the total amount paid, whichever is less, plus interest. Eligibility requirements vary for site and provider.

The Washington Student Achievement Council (WSAC) administers the Washington

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Health Corps loan repayment programs.

**Summary of Bill:** A law school loan repayment program for public defenders and prosecutors is established, subject to appropriation.

The maximum repayment assistance a participant may receive is \$20,000 per year, up to a total amount of \$120,000.

To qualify, the applicant must:

- be an attorney licensed in Washington State and practicing full time in public defense or as a prosecutor in Washington State;
- 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 of Student Financial Assistance may extend the time for fulfillment of the three-year commitment period for good cause;
- repay 100 percent of loan repayment funds disbursed during any period in which it is later determined that the participant did not maintain qualifying employment; and
- repay if they do not meet their service obligation. The amount repaid shall be:
  1. 75 percent of loan repayment funds received if the participant has completed less than one year of the three-year commitment;
  2. 50 percent of loan repayment funds received if the participant has completed at least one year but less than two years of the three-year commitment; and
  3. 25 percent of loan repayment funds received if the participant has completed at least two years but less than three years of the three-year commitment.

WSAC may establish reasonable terms for repayment, including charging a reasonable rate of interest.

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. WSAC may adjust the participants' service obligation if they remain engaged in public defense or prosecution.

If funding provided is insufficient to cover all applicants, WSAC shall give priority to public defense attorneys or prosecutors practicing in rural areas.

Public defense attorney is defined as an individual who is either directly employed or contracted, including supervisors and trainers. Prosecutor is defined as an individual employed by a city or county prosecuting office, including as a supervisor or trainer.

A Law School Loan Repayment Program for Public Defenders and Prosecutors account is created in the custody of the state treasury.

**Appropriation:** None.

**Fiscal Note:** Requested on January 10, 2025.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: We have a public defender shortage. This will help attract and retain them. Public defense is not a glamorous job. It makes it very hard for counties to attract and retain these individuals. This will help people get representation. I have been a public defender for 28 years. There is a crisis in this sector. Student loan repayment is a huge part of helping this sector. Attraction and retention is crucial in rural areas of the state. This will improve the quality of public defenders available to low-income Washingtonians.

Many lawyers would love to go into public defense but can't afford it. It is impossible for many because of the amount of student debt owed. If we don't take these steps, such as loan repayment, the criminal legal system will suffer. We encourage new attorneys to take public defense jobs in rural counties. The need for rural attorneys is jarring. When speaking to law students, the high cost of law school and low pay in these public interest law jobs makes it difficult for these attorneys to make the choice to take these positions.

I currently owe \$140K, not including what I owe on undergrad. I am a 3L, in my last year of law school, and it is becoming abundantly clear it is going to be incredibly difficult to make ends meet if I take a job in the public sector. This bill will make it possible for people like me to take a job as a public defender or prosecutor.

**Persons Testifying:** PRO: Senator Nikki Torres, Prime Sponsor; Jacob Schmitt, Just Us Solutions, LLC; Natalie Wilkins; Rachel Cortez, Washington State Office of Public Defense; Ramona Brandes, Washington Defender Association/Washington Association of Criminal Defense Lawyers; Russell Brown, WA Association of Prosecuting Attorneys; LaDon Linde, Yakima County Commissioner.

**Persons Signed In To Testify But Not Testifying:** No one.