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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, Lias, Nobles, Riccelli, Saldaña, Salomon, Slatter, Trudeau, and Warnick)

READ FIRST TIME 01/31/25.

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

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.77  
6 RCW to read as follows:

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

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

20 (3) Participants in the program must make a commitment to  
21 maintain employment or contract status for at least three years in

1 one or more qualifying positions providing full-time work as a public  
2 defender or prosecuting attorney. The office may extend the time for  
3 fulfillment of the three-year commitment period for good cause;  
4 however, the office may only waive the requirement if family or  
5 medical circumstances prevent the participant's continuing employment  
6 as a public defender or prosecutor. The office shall require the  
7 participant to immediately inform the office of a change in the  
8 participant's qualifying employment and may require verification at  
9 reasonable intervals.

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

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

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

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

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

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

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

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

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

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

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

30 (6) For the purpose of this section:

31 (a) Practicing in public defense includes attorneys who are court  
32 appointed to represent indigent persons in criminal, juvenile  
33 offender, and other case types where the constitutional or statutory  
34 right to court appointment of counsel exists for indigent persons.  
35 Applicants must be public defense attorneys, including supervisors  
36 and trainers, and may be employees of:

37 (i) The state or units of local governments;

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

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

4 (b) Practicing as a prosecutor includes prosecuting attorneys  
5 employed full time by city or county prosecuting attorney offices,  
6 including supervisors and trainers, who handle either criminal cases,  
7 juvenile offender cases, or other case types in which a  
8 constitutional or statutory right to court-appointed counsel attaches  
9 to the respondent.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.77  
11 RCW to read as follows:

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

17 (2) The law school loan repayment program for public defenders  
18 and prosecutors account is created in the custody of the state  
19 treasurer. All receipts from the program must be deposited into the  
20 account. Expenditures from the account may be used only for the law  
21 school loan repayment program for public defenders and prosecutors.  
22 Only the office, or its designee, may authorize expenditures from the  
23 account. The account is subject to allotment procedures under chapter  
24 43.88 RCW, but an appropriation is not required for expenditures.

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