
SUBSTITUTE SENATE BILL 5780

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)

READ FIRST TIME 01/19/24.

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

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the lack of
7 availability of public defense attorneys and deputy prosecutors is an
8 increasing problem in Washington and neighboring states which
9 threatens the ability of court systems to process criminal filings,
10 particularly within rural areas. The legislature intends to encourage
11 law students to enter public defense practice and prosecution and to
12 remove barriers to practice in underserved areas and rural areas of
13 the state.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 2.70 RCW
15 to read as follows:

16 (1) Subject to appropriations, the office of public defense shall
17 administer a law student rural public defense program. The program
18 shall coordinate with one or more law schools to place law students
19 who are eligible to practice as a licensed legal intern under
20 Washington state admission and practice rule 9 and/or recent law

1 school graduates as legal interns with experienced public defense
2 attorneys located in underserved areas and rural areas of the state.
3 The program must allow the intern to gain real-world public defense
4 experience under the mentorship of the experienced public defense
5 attorney, including active representation and litigation
6 opportunities, with the purpose of encouraging the intern to
7 consider, or not be deterred from pursuing, employment opportunities
8 in public defense in underserved areas and rural areas of Washington
9 state. The internship may be structured to correspond with time
10 periods relevant to the academic calendar. Eligible internship
11 placements shall include government and nonprofit public defense
12 agencies as well as private firms that contract to provide public
13 defense services.

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

18 NEW SECTION. **Sec. 3.** A new section is added to chapter 2.70 RCW
19 to read as follows:

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

31 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.101
32 RCW to read as follows:

33 Subject to appropriations, the criminal justice training
34 commission, shall provide trial skills training for practitioners who
35 are new to prosecution, or contract with an entity that serves
36 prosecuting attorneys in Washington to provide that training. The
37 program must include and prioritize training for practitioners in
38 underserved areas and rural areas of the state. The program must

1 offer intensive trial skill development, incorporate prosecution best
2 practices, provide training related to ethical duties of prosecutors,
3 and offer networking opportunities. Trainings may incorporate in-
4 person, remote, and recorded resources. By June 30, 2026, the
5 criminal justice training commission, or its grantee who serves
6 prosecuting attorneys in Washington, shall expand a trial skills
7 program to include advanced trial skills training.

8 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.101
9 RCW to read as follows:

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

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

30 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.330
31 RCW to read as follows:

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

37 (2) To qualify for the law school loan repayment program, the
38 applicant must be an attorney licensed in Washington and practicing

1 full-time in public defense or as a prosecutor in Washington. Full-
2 time is defined as at least 30 hours per week for a year.

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

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

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

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

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

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

37 (6) An individual may continue to participate in the law school
38 loan repayment program for public defenders and prosecutors after the
39 individual has fulfilled the three-year commitment to maintain
40 qualifying employment. The maximum repayment assistance an individual

1 may receive through the program is \$20,000 per year up to a lifetime
2 cap of \$120,000 per participant.

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

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

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

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

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

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