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HOUSE BILL 1976

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representatives Ebersole, Wang, Jacobsen, Ludwig, Franklin, Holland, Leonard and Anderson.

Read first time February 18, 1991. Referred to Committee on Higher Education\Appropriations.

1            AN ACT Relating to educational opportunities for minority criminal  
2 justice professionals; adding a new chapter to Title 28B RCW; making  
3 appropriations; providing an effective act; and declaring an emergency.

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

5            NEW SECTION.    **Sec. 1.**            The legislature recognizes the benefit  
6 to our state and nation of providing educational and employment  
7 opportunities for all racial and ethnic groups. The legislature finds  
8 that although racial and ethnic minorities comprise approximately  
9 twelve percent of the total state population, their representation in  
10 criminal justice professions in the state is only seventy percent of  
11 that number, or approximately eight and one-half percent of all persons  
12 employed in criminal justice professions in the state.

13            The legislature finds that this underrepresentation is the result  
14 of past discrimination in public employment that is not yet rectified,  
15 and that requires a remedy. The legislature also finds that better

1 representation of these minorities will enhance the maintenance of a  
2 just system and avoid the appearance of inequity.

3 The legislature finds that creating an endowed student loan program  
4 to help these minorities obtain access to education essential to  
5 employment in criminal justice professions and to provide incentives  
6 for minority graduates to embark upon criminal justice professions,  
7 will improve the quality of the criminal justice system and increase  
8 the respect in which the program is held by all citizens. It is  
9 therefore the purpose of this chapter to provide substantial loan  
10 assistance to minority individuals to insure their access to the  
11 educational prerequisites of criminal justice professions.

12 Another purpose of this chapter is to provide criminal justice  
13 agencies with trained minority professionals of the quality and  
14 quantity required by public policy. This is done by encouraging loan  
15 recipients under this chapter to accept employment in criminal justice  
16 professions in exchange for partial loan cancellation.

17 An additional purpose of this chapter is to encourage service in  
18 jurisdictions within the state where minorities are substantially  
19 underrepresented in criminal justice professions by granting additional  
20 partial cancellation of loans.

21 NEW SECTION. **Sec. 2.** Unless the context clearly requires  
22 otherwise, the definitions in this section apply throughout this  
23 chapter.

24 (1) "Institution of higher education" means a college or university  
25 in the state that is accredited by an accrediting association  
26 recognized as such by rule of the higher education coordinating board.

27 (2) "Board" means the higher education coordinating board.

1 (3) "Committee" means the minority criminal justice education  
2 advisory committee appointed by the governor to assist in  
3 administration of the program authorized under this chapter.

4 (4) "Minority" means a member of one of the following racial/ethnic  
5 groups: African-American, Asians and Pacific Islanders,  
6 Latinos/Hispanics, and Native Americans as further defined by the  
7 board.

8 (5) "Criminal justice profession" means the following employees of  
9 the state or its subdivisions primarily involved in enforcement of  
10 criminal laws:

11 (a) Prosecutors;

12 (b) Public defenders;

13 (c) Commissioned law enforcement personnel;

14 (d) Criminal justice administrators; or

15 (e) Additional employee groups designated by the board as being  
16 primarily engaged in enforcement of criminal laws.

17 NEW SECTION. **Sec. 3.** (1) The governor shall appoint an  
18 advisory committee consisting of an odd number of members, not to  
19 exceed eleven. A majority, but not more than sixty percent shall be  
20 criminal justice professionals employed by the state and its political  
21 subdivisions, in police agencies and corrections facilities, and as  
22 prosecuting attorneys and public defenders. The remainder are  
23 appointed from groups directly involved in criminal justice, including  
24 but not limited to: Educational groups, bar association groups,  
25 community groups, and criminal justice groups. Each of the four  
26 racial/ethnic groups in section 2 of this act are to be represented on  
27 the committee, if possible.

28 (2) The committee shall:

29 (a) Recommend to the board criteria for:

- 1 (i) Approval of degree programs;
- 2 (ii) Screening and selection of loan recipients;
- 3 (iii) Determination of appropriate loan amounts;
- 4 (iv) Determination of terms and conditions of loans; and
- 5 (v) Determination of criminal justice professions and agencies in
- 6 which employment will result in remission of indebtedness; and
- 7 (b) Advise the board on other matters relevant to implementation of
- 8 the provisions of this chapter.

9 NEW SECTION. **Sec. 4.** There is hereby created a minority

10 criminal justice education loan program to be administered by the

11 higher education coordinating board with the assistance of the minority

12 criminal justice education advisory committee. In administering the

13 program the board shall have the power to:

- 14 (1) Administer the loan program authorized by this chapter;
- 15 (2) Adopt necessary rules and guidelines;
- 16 (3) Publicize the program;
- 17 (4) Accept and deposit donations into the endowment fund created by
- 18 section 19 of this act;
- 19 (5) Request and accept from the state treasurer moneys earned from
- 20 the endowment fund created by section 19 of this act; and
- 21 (6) Solicit and accept grants and donations from public and private
- 22 sources for the program.

23 NEW SECTION. **Sec. 5.** The total of the loans for an academic

24 year or its equivalent as determined by rule of the board, under this

25 chapter, may not exceed seventy-five percent of the unmet need of a

26 qualified applicant, as defined by rule adopted by the board. The

27 board shall not extend loans to undergraduates for more than five years

1 after admission, or to graduates for more than four years after receipt  
2 of a baccalaureate degree.

3 NEW SECTION. **Sec. 6.** Subject to the remaining provisions of  
4 this chapter, loans to a student are made on the terms and conditions  
5 as the board may determine with a view to preventing impairment of the  
6 capital of the student loan fund to the maximum extent practicable in  
7 light of the objective of enabling the student to complete his or her  
8 course of study.

9 NEW SECTION. **Sec. 7.** Loans are made only to a student who is:  
10 (1) A minority, as defined in section 2 of this act;  
11 (2) A financially needy student, as defined in RCW 28B.10.802;  
12 (3) A resident student, as defined in RCW 28B.15.012;  
13 (4) Capable in the opinion of the board, of maintaining good  
14 standing in a degree program;  
15 (5) Accepted for enrollment as a student in a course of  
16 instruction, approved by the board as leading toward a criminal justice  
17 profession, in an accredited institution of higher education in the  
18 state of Washington, or in the case of a student already attending the  
19 institution, is in good standing in the program as an undergraduate,  
20 graduate, or professional student; and  
21 (6) Carrying at least one-half the normal full-time academic  
22 workload as determined by the institution.

23 NEW SECTION. **Sec. 8.** Loans are evidenced by a note or other  
24 written agreement that provides for repayment of the principal amount,  
25 together with interest. The repayment is in equal installments, or if  
26 the borrower requests, in graduated periodic installments determined in  
27 accordance with schedules as may be approved by the board. The

1 payments are made quarterly, bimonthly, or monthly at the option of the  
2 board, over a period beginning nine months after the date the borrower  
3 ceases to carry, at an institution of higher education in the state  
4 approved by the board, at least one-half the normal full-time academic  
5 workload as determined by the institution in a course of study approved  
6 by the board. The payments end ten years and nine months after  
7 starting.

8 NEW SECTION. **Sec. 9.** Interest shall not accrue on a loan, and  
9 installments need not be paid during a period:

10 (1) That the borrower is carrying, at an institution of higher  
11 education, at least one-half the normal full-time academic workload as  
12 determined by the institution, in a course approved by the board under  
13 this chapter; or

14 (2) Of three years or less that the borrower is a member of the  
15 armed forces of the United States in a pay grade not exceeding E-7.  
16 These periods are not included in determining the ten-year period in  
17 which repayment must be completed. The ten-year period may be extended  
18 for good cause determined by the board.

19 The board may provide that installments are not paid during a  
20 period or periods, aggregating not in excess of three years, during  
21 which the borrower is in less than half-time attendance in an  
22 institution of higher education taking courses creditable toward a  
23 degree. The board may also provide that the period is not included in  
24 determining the ten-year period that the repayment must be completed,  
25 but interest shall continue to accrue during the period.

26 NEW SECTION. **Sec. 10.** The borrower may at his or her option  
27 accelerate repayment of the whole or part of the loan. The board may  
28 provide that during the repayment of the loan, payments of principal

1 and interest by the borrower with respect to all outstanding loans made  
2 to him or her from loan funds established pursuant to this chapter, are  
3 at a rate equal to not less than one hundred dollars per month.

4 NEW SECTION. **Sec. 11.** (1) Not more than fifty percent of a  
5 loan, including interest, shall be canceled for service as a full-time  
6 professional in a criminal justice profession, approved by the board,  
7 in the state of Washington. The loan shall be canceled at the rate of  
8 ten percent of the total amount of the loan, plus interest for each  
9 twelve-month period of consecutive service.

10 (2) Not more than seventy-five percent of a loan, including  
11 interest, shall be canceled for service as a full-time professional in  
12 a criminal justice profession, approved by the board, in the state of  
13 Washington. The loan shall be canceled at the rate of fifteen percent  
14 of the total amount of the loan, plus interest, for each twelve-month  
15 period of consecutive service with an agency. The agency shall be one  
16 in which the representation of the minority race, in his or her  
17 approved criminal justice profession in the agency at the time of his  
18 or her employment, is less than fifty percent of the percentage of the  
19 borrower's race to the total population in the jurisdiction at the last  
20 census.

21 NEW SECTION. **Sec. 12.** Loans shall bear interest, on the unpaid  
22 balance of the loan, at a rate set by the board consistent with rates  
23 charged for other educational programs. In no case shall interest  
24 accrue before the date the repayment of the loan is to begin, except if  
25 the date that repayment is to begin is suspended under section 9 of  
26 this act.

1        NEW SECTION.    **Sec. 13.**        Loans are made without security and  
2 without endorsement, except that, if the borrower is a minor either  
3 security or endorsement may be required as determined by the board.

4        NEW SECTION.    **Sec. 14.**        The liability to repay a loan is  
5 canceled upon the death of the borrower, or if he or she becomes  
6 permanently and totally disabled as determined in accordance with rules  
7 of the board.

8        NEW SECTION.    **Sec. 15.**        No loan is granted unless the  
9 institution of higher education, that the borrower is accepted at or  
10 enrolled in, has agreed to give notice to the board whenever the  
11 borrower fails to:

12        (1) Maintain satisfactory standing;

13        (2) Carry at least one-half of the normal full-time academic load  
14 as determined by the institution; or

15        (3) Be enrolled in the course of study approved by the board.

16        NEW SECTION.    **Sec. 16.**        A loan for one year is made in  
17 installments as determined by the board, and upon notice to the board  
18 that the recipient does not meet the criteria established in section 15  
19 of this act, all further installments shall be withheld.

20        NEW SECTION.    **Sec. 17.**        (1) Notes shall provide that the board  
21 may elect to accelerate all amounts due under the note for default in  
22 payment of two or more installments or for breach of another agreement  
23 contained within the note. Acceleration may occur if the amounts due  
24 have not been paid, nor the default cured within a period set by the  
25 board consistent with other loan programs. The borrower shall be sent  
26 notice in writing, mailed to his or her last known address, by both

1 regular mail and certified mail return receipt requested, listing the  
2 actions required to cure the default, the consequence of failure to  
3 cure within the time required, and that if not cured as provided, the  
4 board may assign its rights under the note or may bring action upon the  
5 note. If action is brought the holder is entitled to reasonable  
6 attorney's fees and costs incurred in collection of the obligation.

7 (2) Pursuant to rules adopted by the board, the board may assess a  
8 charge, with respect to a loan from the loan fund established by this  
9 chapter for:

10 (a) Failure of the borrower to pay all or a part of an installment  
11 when it is due;

12 (b) Failure to file timely and satisfactory evidence of entitlement  
13 to deferment benefits under section 9 of this act or cancellation  
14 benefits under section 11 of this act.

15 (3) The board may elect to add the amount of a charge to the  
16 principal amount of the loan the first day after the day the  
17 installment or evidence was due, or to make the amount of the charge  
18 payable to the board not later than the due date of the next  
19 installment.

20 NEW SECTION. **Sec. 18.** (1) The board is responsible for the  
21 collection of loans made under this chapter and shall exercise due  
22 diligence in the collection, maintaining all records necessary to  
23 insure maximum repayment is made. Collection and servicing of loans  
24 made under this chapter are pursued to the full extent of the law,  
25 including wage garnishment if necessary, and are performed by entities  
26 approved for servicing by the Washington student loan guarantee  
27 association or its successor agency. The board is responsible for  
28 canceling all or parts of loans under the criteria established by this  
29 chapter. The board shall maintain accurate records of the costs of

1 making loans under this chapter, of maintaining necessary records, and  
2 of making collections, and shall maintain all necessary records of  
3 partial or complete loan cancellation.

4 (2) Receipts from payment of principal and interest or other  
5 amounts that the board is entitled, that are paid by or on behalf of  
6 borrowers under this chapter, are deposited with the treasurer into the  
7 endowment fund created by sections 19 and 20 of this act.

8 NEW SECTION. **Sec. 19.** The minority criminal justice education  
9 endowment fund is established. Moneys received from the higher  
10 education board, private donations, and funds received from another  
11 source are deposited into the endowment fund. All moneys deposited in  
12 the endowment fund are invested by the state treasurer.  
13 Notwithstanding RCW 43.84.090, all earnings from investments of  
14 balances of the endowment fund are credited to the endowment fund. At  
15 the request of the higher education coordinating board, the treasurer  
16 shall release earnings from the endowment fund to the board for loans  
17 pursuant to the program. No appropriation is required for expenditures  
18 from the endowment fund. The principal of the endowment fund shall not  
19 be invaded. The earnings of the fund are to be used solely for loans  
20 authorized under this chapter.

21 NEW SECTION. **Sec. 20.** (1) The sum of two million dollars, or  
22 as much thereof as may be necessary, is appropriated for the biennium  
23 ending June 30, 1993, from the general fund to the higher education  
24 coordinating board for the purpose of the minority criminal justice  
25 education endowment fund.

26 (2) The sum of one hundred thousand dollars, or as much thereof as  
27 may be necessary, is appropriated for the biennium ending June 30,  
28 1993, from the general fund to the higher education coordinating board

1 for the purpose of expenditures by the board for loans authorized by  
2 this act in the first year following enactment.

3 (3) The sum of \_\_\_\_\_ dollars, or as much thereof as may be  
4 necessary, is appropriated for the biennium ending June 30, 1993, from  
5 the general fund to the higher education coordinating board for the  
6 purposes of administration expenditures by the board authorized by this  
7 act.

8 NEW SECTION. **Sec. 21.** No loan shall be made after July 1,  
9 1997, until the program is reviewed by the legislative budget committee  
10 and is reenacted by the legislature.

11 NEW SECTION. **Sec. 22.** Sections 1 through 19 and 21 of this act  
12 shall constitute a new chapter in Title 28B RCW.

13 NEW SECTION. **Sec. 23.** If any provision of this act or its  
14 application to any person or circumstance is held invalid, the  
15 remainder of the act or the application of the provision to other  
16 persons or circumstances is not affected.

17 NEW SECTION. **Sec. 24.** This act is necessary for the immediate  
18 preservation of the public peace, health, or safety, or support of the  
19 state government and its existing public institutions, and shall take  
20 effect July 1, 1991.