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SENATE BILL 5857

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State of Washington                      52nd Legislature                      1991 Regular Session

By Senators Wojahn, Talmadge, Rasmussen and Pelz.

Read first time February 26, 1991. Referred to Committee on Higher Education.

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 date; and declaring an  
4 emergency.

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

6            NEW SECTION.    **Sec. 1.**            (1) The legislature recognizes the  
7 benefit to our state and nation of providing equal educational and  
8 employment opportunities for all racial and ethnic groups.

9            (2) The legislature finds that:

10           (a) Although racial and ethnic minorities comprise approximately  
11 twelve percent of the total state population, their representation in  
12 criminal justice professions in the state is only seventy percent of  
13 that number, or approximately eight and one-half percent of all persons  
14 employed in criminal justice professions in the state;

1 (b) This underrepresentation is the result of past discrimination  
2 in public employment which is not yet rectified, and which requires a  
3 remedy;

4 (c) Better representation of these minorities will enhance the  
5 maintenance of a just system and avoid the appearance of inequity; and

6 (d) Creating an endowed student loan program to help these  
7 minorities to obtain access to education essential to employment in  
8 criminal justice professions, and providing incentives for minority  
9 graduates to embark upon criminal justice professions will improve the  
10 quality of the criminal justice system and the respect in which it is  
11 held by all citizens.

12 (3) The purposes of this chapter are to:

13 (a) Provide substantial loan assistance to minority individuals in  
14 order to ensure that they have access to the educational prerequisites  
15 of criminal justice professions;

16 (b) Provide criminal justice agencies trained minority  
17 professionals of the quality and quantity required by public policy by  
18 encouraging loan recipients under this chapter to accept employment in  
19 criminal justice professions in exchange for partial loan cancellation;  
20 and

21 (c) Encourage service in jurisdictions within the state where  
22 minorities are substantially underrepresented in criminal justice  
23 professions by granting additional partial cancellation of loans.

24 NEW SECTION. **Sec. 2.** As used in this chapter:

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

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

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

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

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

12 (a) Prosecutors;

13 (b) Public defenders;

14 (c) Commissioned law enforcement personnel;

15 (d) Criminal justice administrators; or

16 (e) Such additional employee groups designated by the board, by  
17 rule, as being primarily engaged in enforcement of criminal laws.

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

1 (2) The committee shall recommend to the board criteria for  
2 approval of degree programs, for screening and selection of loan  
3 recipients, for determination of appropriate loan amounts, for  
4 determination of terms and conditions of loans, for determination of  
5 criminal justice professions and agencies in which employment will  
6 result in remission of indebtedness, and shall advise the board on  
7 other matters relevant to implementation of the provisions of the  
8 chapter.

9 NEW SECTION. **Sec. 4.** There is hereby created a minority  
10 criminal justice education loan program to be administered by the board  
11 with the assistance of the committee. In administering the program the  
12 board shall have the power to:

13 (1) Administer the loan program authorized by this chapter;

14 (2) Adopt necessary rules and guidelines;

15 (3) Publicize the program;

16 (4) Accept and deposit donations into the endowment fund created by  
17 section 19 of this act;

18 (5) Request and accept from the state treasurer moneys earned from  
19 the endowment fund created by section 19 of this act; and

20 (6) Solicit and accept grants and donations from public and private  
21 sources for the program.

22 NEW SECTION. **Sec. 5.** The total of the loans for any academic  
23 year or its equivalent, as determined under rules of the board, made  
24 under section 4 of this act may not exceed seventy-five percent of the  
25 unmet need of a qualified applicant, as defined by rule adopted by the  
26 board. The board shall not extend loans to undergraduates for more  
27 than five years after admission, nor to graduates for more than four  
28 years after receipt of a baccalaureate degree.

1        NEW SECTION.    **Sec. 6.**        Subject to the provisions of this  
2 chapter, loans to any student shall be made on such terms and  
3 conditions as the board may determine with a view to preventing  
4 impairment of the capital of the student loan fund to the maximum  
5 extent practicable in light of the objective of enabling the student to  
6 complete the students' course of study.

7        NEW SECTION.    **Sec. 7.**        Loans made pursuant to section 4 of this  
8 act shall be made only to a student who:

9            (1) Is a minority;

10           (2) Is a financially needy student, as defined in RCW 28B.10.802;

11           (3) Is a resident student, as defined in RCW 28B.150.012(2);

12           (4) Is capable in the opinion of the board, of maintaining good  
13 standing in a degree program;

14           (5) Has been accepted for enrollment as a student in a course of  
15 instruction, approved by the board as leading toward a criminal justice  
16 profession, in an accredited institution of higher education in the  
17 state of Washington, or in the case of a student already attending such  
18 institution, is in good standing in such a program there as an  
19 undergraduate, graduate, or professional student, and is carrying at  
20 least one-half the normal full-time academic workload as determined by  
21 the institution.

22        NEW SECTION.    **Sec. 8.**        Loans made under section 4 of this act  
23 shall be evidenced by a note or other written agreement which provides  
24 for:

25           (1) Repayment of the principal amount, together with interest  
26 thereon;

1 (2) In equal installments or, if the borrower so requests, in  
2 graduated periodic installments determined in accordance with schedules  
3 as may be approved by the board;

4 (3) Payable quarterly, bimonthly, or monthly, at the option of the  
5 board:

6 (a) Over a period beginning nine months after the date on which the  
7 borrower ceases to carry, at an institution of higher education in the  
8 state approved by the board, at least one-half the normal full-time  
9 academic workload as determined by the institution in a course of study  
10 approved by the board; and

11 (b) Ending ten years and nine months after such date.

12 NEW SECTION. **Sec. 9.** (1) Interest shall not accrue on any  
13 loan made under section 4 of this act, and installments need not be  
14 paid during any period:

15 (a) During which the borrower is carrying, at an institution of  
16 higher education, at least one-half the normal full-time academic  
17 workload as determined by the institution, in a course approved by the  
18 board under this chapter;

19 (b) Not in excess of three years, during which the borrower is a  
20 member of the armed forces of the United States in a pay grade not  
21 exceeding E-7.

22 (2) Any such period shall not be included in determining the ten-  
23 year period during which the repayment must be completed.

24 (3) Such ten-year period may also be extended for good cause  
25 determined by the board.

26 (4) The board may provide that installments need not be paid during  
27 any period or periods, aggregating not in excess of three years, during  
28 which the borrower is in less than half-time attendance at an

1 institution of higher education taking courses creditable toward a  
2 degree.

3 (5) The board may also provide that any such period shall not be  
4 included in determining the ten-year period during which the repayment  
5 must be completed, but interest shall continue to accrue during any  
6 such period.

7 NEW SECTION. **Sec. 10.** (1) The borrower may at the borrower's  
8 option accelerate repayment of the whole or any part of a loan made  
9 under section 4 of this act.

10 (2) The board may provide that during the repayment period of the  
11 loan, payments of principal and interest by the borrower with respect  
12 to all the outstanding loans made to the borrower from loan funds  
13 established pursuant to this chapter shall be at a rate equal to not  
14 less than one hundred dollars per month.

15 NEW SECTION. **Sec. 11.** (1) An amount not to exceed fifty  
16 percent of any loan made under section 4 of this act, including  
17 interest, shall be canceled for service as a full-time professional in  
18 a criminal justice profession in the state of Washington approved by  
19 the board, at the rate of ten percent of the total amount of such loan,  
20 plus interest thereon for each twelve-month period of such consecutive  
21 service; or

22 (2) An amount not to exceed seventy-five percent of a loan,  
23 including interest, shall be canceled for service as a full-time  
24 professional in a criminal justice profession in the state of  
25 Washington approved by the board at the rate of fifteen percent for  
26 each twelve-month period of such consecutive service with an agency in  
27 which the representation of that minority race in his or her approved  
28 criminal justice profession in that agency at the time of his or her

1 employment is less than fifty percent of the percentage which members  
2 of the borrower's race bore to the total population in that  
3 jurisdiction at the last census.

4 NEW SECTION. **Sec. 12.** Loans made under section 4 of this act  
5 shall bear interest, on the unpaid balance of the loan, at a rate set  
6 by the board consistent with rates charged for other educational  
7 programs, except that no interest shall accrue before the date on which  
8 repayment of the loan is to begin in all cases except where the date on  
9 which repayment is to begin is suspended by reason of section 9(5) of  
10 this act.

11 NEW SECTION. **Sec. 13.** Loans made under section 4 of this act  
12 shall be made without security and without endorsement, except that, if  
13 the borrower is a minor either security or endorsement may be required  
14 as determined by the board.

15 NEW SECTION. **Sec. 14.** The liability to repay any loan made  
16 under section 4 of this act shall be canceled upon the death of the  
17 borrower, or if the borrower becomes permanently and totally disabled  
18 as determined in accordance with rules of the board.

19 NEW SECTION. **Sec. 15.** No loan made under section 4 of this act  
20 shall be granted, unless the institution of higher education at which  
21 the borrower has been accepted or is enrolled has agreed to give notice  
22 to the board whenever the borrower fails to maintain satisfactory  
23 standing, to carry at least one-half of the normal full-time academic  
24 load as determined by the institution, or to be enrolled in the course  
25 of study approved by the board.



1        NEW SECTION.    **Sec. 16.**        A loan made under section 4 of this act  
2 for any year shall be made in such installments as may be determined by  
3 the board, and upon notice to the board by the institution of higher  
4 education that any recipient of a loan is failing to maintain  
5 satisfactory standing, the required one-half of the normal full-time  
6 academic load, or to be enrolled in the course of study approved by the  
7 board, any or all further installments of the recipient's loan shall be  
8 withheld, as may be appropriate.

9        NEW SECTION.    **Sec. 17.**        (1) Notes issued under section 4 of this  
10 act shall provide that the board may elect to accelerate all amounts  
11 due under the note for default in payment of two or more installments  
12 or for breach of any other agreement contained within the note,  
13 provided the amounts due have not been paid nor the default cured  
14 within a period set by the board consistent with other loan programs,  
15 after notice to the borrower in writing mailed to the borrower's last  
16 known address by both regular mail and certified mail, return receipt  
17 requested, of the actions required to cure the default, the consequence  
18 of failure to cure within the time required, and that if not cured as  
19 provided, the board may assign its rights under the note or may bring  
20 action upon the note, in which case the holder shall be entitled to  
21 reasonable attorneys' fees and costs incurred in collection of the  
22 obligation.

23        (2) Pursuant to rules adopted by the board, the board may assess a  
24 charge with respect to a loan from the loan fund established by this  
25 chapter for failure of the borrower to pay all or any part of an  
26 installment when it is due and, in the case of a borrower who is  
27 entitled to deferment benefits under section 9 of this act or  
28 cancellation benefits under section 11 of this act, for any failure to  
29 file timely and satisfactory evidence of such entitlement.

1 (3) The board may elect to add the amount of any such charge to the  
2 principal amount of the loan as of the first day after the day on which  
3 such installment or evidence was due, or to make the amount of the  
4 charge payable to the board not later than the due date of the next  
5 installment after receipt by the borrower of notice of the assessment  
6 of the charge.

7 NEW SECTION. **Sec. 18.** (1) The board is responsible for  
8 collection of loans made under this chapter and shall exercise due  
9 diligence in such collection, maintaining all records necessary to  
10 ensure maximum repayment are made. Collection and servicing of loans  
11 under this chapter shall be pursued to the full extent of the law,  
12 including wage garnishment as necessary, and shall be performed by  
13 entities approved for such servicing by the Washington student loan  
14 guaranty association or its successor agency. The board is responsible  
15 to cancel all or parts of such loans under the criteria established in  
16 this chapter. the board shall maintain accurate records of the costs  
17 of making loans under this chapter, maintaining necessary records,  
18 making collections, and shall maintain all necessary records of partial  
19 or complete loan cancellation.

20 (2) Receipts from payment of principal and interest or any other  
21 amounts to which the board is entitled, which are paid by or on behalf  
22 of borrowers under this chapter shall be deposited with the treasurer  
23 into the endowment fund created by section 19 of this act.

24 NEW SECTION. **Sec. 19.** The minority criminal justice education  
25 endowment fund is established. Moneys received from the board, private  
26 donations, and funds received from any other source may be deposited  
27 into the endowment fund. All moneys deposited in the endowment fund  
28 shall be invested by he state treasurer. Notwithstanding RCW

1 43.84.090, all earnings of investments of balances of the endowment  
2 fund shall be credited to the endowment fund. At the request of the  
3 board, the treasurer shall release earnings from the endowment fund to  
4 the board for loans pursuant to the program. No appropriation is  
5 required for expenditures from the endowment fund. The principal of  
6 the endowment fund shall not be invaded. The earnings of the fund  
7 shall be used solely for loans authorized by this chapter.

8 NEW SECTION. **Sec. 20.** No loans 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. 21.** (1) There is hereby appropriated the sum  
12 of two million dollars, for the biennium ending June 30, 1993, from the  
13 general fund to the criminal justice education endowment fund for the  
14 purposes of section 19 of this act.

15 (2) There is hereby appropriated the sum of one hundred thousand  
16 dollars, for the biennium ending June 30, 1993, from the general fund  
17 to the higher education coordinating board for loans authorized under  
18 section 4 of this act made before July 1, 1992.

19 (3) There is hereby appropriated the sum of ..... dollars,  
20 for the biennium ending June 30, 1993, from the general fund to the  
21 higher education coordinating board for the purposes of administrative  
22 expenditures authorized by this act.

23 NEW SECTION. **Sec. 22.** Sections 1 through 20 of this act shall  
24 constitute a new chapter in Title 28B RCW.

25 NEW SECTION. **Sec. 23.** If any provision of this act or its  
26 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other  
2 persons or circumstances is not affected.

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