

# STATE OF NEW YORK

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4511--A

2023-2024 Regular Sessions

## IN SENATE

February 9, 2023

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Introduced by Sens. RAMOS, FELDER, FERNANDEZ, GOUNARDES, HOYLMAN-SIGAL, JACKSON, KAVANAGH, LIU, MAY, MYRIE, RIVERA, SALAZAR, SEPULVEDA, SERRANO, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the New York state district attorney and indigent legal services attorney loan forgiveness program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subparagraph (i) of paragraph a of subdivision 2 of  
2 section 679-e of the education law, as amended by section 1 of part R  
3 of chapter 57 of the laws of 2011, is amended to read as follows:

4 (i) "Eligible attorney" means an attorney, who is a resident of and is  
5 admitted to practice law in New York state, who is employed full-time as  
6 either a district attorney, as defined in subparagraph (ii) of this  
7 paragraph, or an indigent legal services attorney, as defined in subparagraph (iii) of this paragraph or an attorney working as assigned counsel pursuant to article eighteen-B of the county law who provides an annual average of one hundred twenty hours per month to assigned counsel cases, who is admitted to practice law in this state for not more than  
11 eleven years or who was within the eligible period as defined in paragraph b of this subdivision during the time for which such person is  
13 seeking a student loan expense grant. Notwithstanding the foregoing, an  
14 eligible attorney shall include those district attorney applicants who  
15 were awarded program eligibility and who provided qualified service  
16 between April first, two thousand eight and March thirty-first, two  
17 thousand eleven; such an eligible attorney shall remain eligible to  
18 participate in the program provided they are within an eligible period  
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EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 measured from six years from the date which such attorney was first  
2 employed as a district attorney.

3 § 2. Paragraph b of subdivision 2 of section 679-e of the education  
4 law, as amended by section 1 of part VV of chapter 56 of the laws of  
5 2009, is amended to read as follows:

6 b. "Eligible period" means the [~~six-year~~] eight-year period after  
7 completion of the [~~third~~] second year and before the commencement of the  
8 [~~tenth~~] eleventh year of employment as an eligible attorney. For  
9 purposes of this section, all periods of time during which an admitted  
10 attorney was employed as an eligible attorney and all periods of time  
11 during which a law school graduate awaiting admission to the New York  
12 state bar was employed by a prosecuting [~~or~~] agency, criminal defense  
13 agency, non-profit indigent civil legal services corporation, or as  
14 assigned counsel as permitted by section four hundred eighty-four of the  
15 judiciary law shall be combined.

16 § 3. Paragraph d of subdivision 2 of section 679-e of the education  
17 law, as amended by section 1 of part VV of chapter 56 of the laws of  
18 2009, is amended to read as follows:

19 d. "Year of qualified service" means the twelve month period measured  
20 from the anniversary of the attorney's employment as an eligible attor-  
21 ney, or as a law school graduate awaiting admission to the New York  
22 state bar employed by a prosecuting [~~or~~] agency, criminal defense  
23 agency, non-profit indigent civil legal services corporation, or as  
24 assigned counsel as permitted by section four hundred eighty-four of the  
25 judiciary law, adjusted for any interruption in employment. Vacation or  
26 leave time provided by the employer or leave taken for a condition that  
27 is a qualifying reason for leave under the Family and Medical Leave Act  
28 of 1993, 29 U.S.C. 2612(a)(1) and (3) shall not be considered an inter-  
29 ruption in qualifying employment. Any period of [~~temporary leave from~~  
30 ~~service~~] interruption in qualifying employment taken by an eligible  
31 attorney shall not be considered in the calculation of qualified  
32 service. However, the period of [~~temporary leave shall be considered an~~]  
33 interruption in qualifying employment and the calculation of the time  
34 period of qualified service shall recommence when the eligible attorney  
35 returns to [~~full-time~~] service.

36 § 4. Paragraph a of subdivision 3 of section 679-e of the education  
37 law, as amended by section 1 of part VV of chapter 56 of the laws of  
38 2009, is amended to read as follows:

39 a. An eligible attorney may apply for reimbursement after the  
40 completion of each year of qualified service provided however that  
41 reimbursement to each eligible attorney shall not exceed [~~three thousand~~  
42 ~~four hundred~~] eight thousand dollars, per qualifying year, subject to  
43 appropriations available therefor. The president may establish: (i) an  
44 application deadline and (ii) a method of selecting recipients if in any  
45 given year there are insufficient funds to cover the needs of all the  
46 applicants. Awards shall be within the amounts appropriated for such  
47 purpose and based on availability of funds.

48 § 5. Paragraph b of subdivision 3 of section 679-e of the education  
49 law, as amended by section 1 of part VV of chapter 56 of the laws of  
50 2009, is amended to read as follows:

51 b. An eligible attorney may apply after the completion of the [~~fourth~~]  
52 second year of qualified service, and annually thereafter after the  
53 completion of the [~~fifth~~] third through [~~ninth~~] eleventh year of quali-  
54 fied service, and may seek a student loan expense grant for only the  
55 previous year of qualified service within the time periods prescribed by  
56 the president. An eligible attorney may receive student loan expense

1 grants for no more than [~~six~~] eight years of qualified service within an  
2 eligible period.  
3 § 6. This act shall take effect April 1, 2024. Nothing in this act  
4 shall be implemented in a manner that diminishes the current award or  
5 status of eligible attorneys currently participating in the program.