

2309

2009-2010 Regular Sessions

I N S E N A T E

February 17, 2009

Introduced by Sen. ADAMS -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to the retention of qualified public defenders through assistance in repaying student loans

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The section heading and subdivisions 1 and 2 of section
2 679-e of the education law, as added by section 1 of part H of chapter
3 56 of the laws of 2007, paragraphs a and d of subdivision 2 as amended
4 by section 1 of part X of chapter 56 of the laws of 2008, are amended to
5 read as follows:

6 New York state district attorney AND INDIGENT DEFENSE ATTORNEY loan
7 forgiveness program. 1. Purpose. The president shall grant student loan
8 forgiveness awards for the purpose of increasing the number of exper-
9 ienced attorneys serving in the position of district attorney OR INDIGENT
10 DEFENSE ATTORNEY in the counties of the state.

11 2. Definitions. a. (i) "Eligible attorney" means an attorney, admit-
12 ted to practice law in New York state, who is a district attorney, as
13 defined in subparagraph (ii) of this paragraph, who is employed full
14 time as a district attorney; OR WHO IS AN INDIGENT DEFENSE ATTORNEY, AS
15 DEFINED IN PARAGRAPH B OF THIS SUBDIVISION, WHO IS EMPLOYED FULL TIME AS
16 AN INDIGENT DEFENSE ATTORNEY; and who holds a degree from a law school
17 and was within the eligible period as defined in paragraph [b] C of this
18 subdivision during the time for which such person is seeking a student
19 loan expense grant.

20 (ii) "District attorney" means the district attorney of one of the
21 counties of the state or an employee of the office of any such district
22 attorney.

23 b. "INDIGENT DEFENSE ATTORNEY" MEANS AN ATTORNEY, ADMITTED TO PRACTICE
24 LAW IN NEW YORK STATE, WHO IS A FULL-TIME EMPLOYEE OF ANY OF THE AGEN-
25 CIES DESIGNATED BY SUBDIVISIONS ONE AND TWO OF SECTION SEVEN HUNDRED

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 TWENTY-TWO OF THE COUNTY LAW, WHO IS EMPLOYED FULL TIME AS AN INDIGENT
2 DEFENSE ATTORNEY; ENGAGED IN THE PRACTICE OF CRIMINAL LAW ON BEHALF OF
3 PERSONS CHARGED WITH A CRIME WHO ARE FINANCIALLY UNABLE TO OBTAIN COUN-
4 SEL AND WHO HAS BOTH HELD A DEGREE FROM A LAW SCHOOL FOR NOT MORE THAN
5 ELEVEN YEARS AND WAS WITHIN THE ELIGIBLE PERIOD AS DEFINED IN PARAGRAPH
6 C OF THIS SUBDIVISION DURING THE TIME FOR WHICH SUCH PERSON IS SEEKING A
7 STUDENT LOAN EXPENSE GRANT.

8 C. "Eligible period" means the six-year period after completion of the
9 third year and before the commencement of the tenth year of employment
10 as a district attorney OR AN INDIGENT DEFENSE ATTORNEY. For purposes of
11 this section, all periods of time during which an admitted attorney was
12 employed as a district attorney OR AN INDIGENT DEFENSE ATTORNEY and all
13 periods of time during which a law school graduate awaiting admission to
14 the New York state bar was employed by a prosecuting or criminal defense
15 agency as permitted by section four hundred eighty-four of the judiciary
16 law shall be combined.

17 [c.] D. "Student loan expense" means the total loan balance required
18 to be paid by the eligible attorney on the cumulative total of the
19 attorney's outstanding student loans covering his or her cost of attend-
20 ance at an undergraduate institution and/or law school, at the time of
21 the attorney's first application for reimbursement. Interest paid or due
22 on such loans shall be considered eligible for reimbursement under this
23 program. For purposes of this calculation, the amount of the student
24 loan expenses shall be reduced by any grants, loan forgiveness, or simi-
25 lar reductions to the attorney's indebtedness that the attorney has
26 received or shall receive, including, but not limited to, law school
27 loan forgiveness and public service scholarships.

28 [d.] E. "Year of qualified service" means the twelve month period
29 measured from the anniversary of the attorney's employment as an eligi-
30 ble attorney, or as a law school graduate awaiting admission to the New
31 York state bar employed by a prosecuting or criminal defense agency as
32 permitted by section four hundred eighty-four of the judiciary law,
33 adjusted for any interruption in employment. Any period of temporary
34 leave from service taken by an eligible attorney shall not be considered
35 in the calculation of qualified service. However, the period of tempo-
36 rary leave shall be considered an interruption in employment and the
37 calculation of the time period of qualified service shall recommence
38 when the eligible attorney returns to full time service.

39 S 2. This act shall take effect immediately.