

4179--C

2011-2012 Regular Sessions

I N   S E N A T E

March 22, 2011

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Introduced by Sens. PERKINS, ADAMS, AVELLA, BRESLIN, DIAZ, DILAN, DUANE, ESPAILLAT, GIANARIS, HASSELL-THOMPSON, HUNTLEY, KLEIN, KRUEGER, MONTGOMERY, OPPENHEIMER, PARKER, PERALTA, RIVERA, SAMPSON, SERRANO, SMITH, SQUADRON, STAVISKY, STEWART-COUSINS -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- committee discharged and said bill committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to establishing the New York dream act providing certain benefits to undocumented immigrants that satisfy certain criteria

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

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "New York dream act".  
3     S 2. The executive law is amended by adding a new section 101 to read  
4     as follows:  
5     S 101. NEW YORK DREAM ACT. 1. THERE IS HEREBY ESTABLISHED WITHIN THE  
6     DEPARTMENT, A DREAM ACT, WHEREBY UNDOCUMENTED IMMIGRANTS WHO SATISFY THE  
7     REQUIREMENTS SET FORTH IN SUBDIVISION THREE OF THIS SECTION SHALL QUALI-  
8     FY FOR THE BENEFITS SET FORTH IN SUBDIVISION FOUR OF THIS SECTION.  
9     2. FOR THE PURPOSES OF THIS SECTION, THE TERM:  
10    A. "ELIGIBLE PERSON" SHALL MEAN ANY INDIVIDUAL THAT MEETS THE CRITERIA  
11    SET FORTH IN SUBDIVISION THREE OF THIS SECTION.  
12    B. "UNDOCUMENTED" SHALL MEAN A NON-NATURALIZED IMMIGRANT.  
13    3. TO BE ELIGIBLE FOR BENEFITS UNDER SUBDIVISION FOUR OF THIS SECTION,  
14    AN INDIVIDUAL SHALL:

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

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1 A. HAVE GRADUATED FROM HIGH SCHOOL WITH A HIGH SCHOOL DIPLOMA OR ITS  
2 EQUIVALENT, INCLUDING, BUT NOT LIMITED TO A GED;

3 B. HAVE ENTERED THE UNITED STATES BEFORE THE AGE OF EIGHTEEN;

4 C. BE UNDER THE AGE OF THIRTY-FIVE;

5 D. NOT HAVE BEEN CONVICTED IN THIS STATE OR ANY OTHER STATE OR TERRI-  
6 TORY OF A VIOLENT FELONY; AND

7 E. (I) HAVE ATTENDED A REGISTERED NEW YORK STATE HIGH SCHOOL FOR TWO  
8 OR MORE YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL  
9 AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR  
10 THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN FIVE YEARS  
11 OF RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

12 (II) HAVE ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH  
13 SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY  
14 DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCA-  
15 TION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN  
16 FIVE YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

17 (III) OTHERWISE BE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A  
18 RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE  
19 UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY  
20 COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVI-  
21 SION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDI-  
22 VISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THE EDUCATION LAW.

23 4. ANY ELIGIBLE PERSON SHALL HAVE ACCESS TO STATE-, CITY-, TOWN-  
24 AND/OR VILLAGE-FUNDED FINANCIAL AID PROGRAMS, INCLUDING, BUT NOT LIMITED  
25 TO GRANTS, LOANS AND SCHOLARSHIPS.

26 5. THE SECRETARY SHALL PROMULGATE RULES AND REGULATIONS TO EFFECT THE  
27 PURPOSES OF THIS SECTION AND TO FURTHER DEFINE THE REQUIREMENTS AND  
28 BENEFITS OF THIS SECTION.

29 S 3. This act shall take effect on the one hundred twentieth day after  
30 it shall have become a law. Effective immediately, the addition, amend-  
31 ment and/or repeal of any rule or regulation necessary for the implemen-  
32 tation of this act on its effective date are authorized and directed to  
33 be made and completed on or before such effective date.