

STATE OF NEW YORK

5460--A

2019-2020 Regular Sessions

IN ASSEMBLY

February 12, 2019

Introduced by M. of A. CUSICK -- read once and referred 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 student loan assistance for certain attorneys employed by political subdivisions of the state

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

1 Section 1. Section 679-e of the education law, as amended by section 1
2 of part VV of chapter 56 of the laws of 2009, subparagraph (i) of para-
3 graph a of subdivision 2 as amended by section 1 of part R of chapter 57
4 of the laws of 2011, is amended to read as follows:

5 § 679-e. New York state district attorney, municipal attorney and
6 indigent legal services attorney loan forgiveness program. 1. Purpose.
7 The president shall grant student loan forgiveness awards for the
8 purpose of increasing the number of experienced attorneys serving in the
9 position of district attorney, a municipal attorney, or indigent legal
10 services attorney in the counties of the state.

11 2. Definitions. a. (i) "Eligible attorney" means an attorney, who is a
12 resident of and is admitted to practice law in New York state, who is
13 employed full-time as either a district attorney, as defined in subpara-
14 graph (ii) of this paragraph, ~~or~~ an indigent legal services attorney,
15 as defined in subparagraph (iii) of this paragraph, or a municipal
16 attorney, as defined in subparagraph (iv) of this paragraph, and who is
17 admitted to practice law in this state for not more than eleven years or
18 who was within the eligible period as defined in paragraph b of this
19 subdivision during the time for which such person is seeking a student
20 loan expense grant. Notwithstanding the foregoing, an eligible attorney
21 shall include those district attorney applicants who were awarded
22 program eligibility and who provided qualified service between April
23 first, two thousand eight and March thirty-first, two thousand eleven;

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

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1 such an eligible attorney shall remain eligible to participate in the
2 program provided they are within an eligible period measured from six
3 years from the date which such attorney was first employed as a district
4 attorney.

5 (ii) "District attorney" means the district attorney of one of the
6 counties of the state or an employee of the office of any such district
7 attorney.

8 (iii) "Indigent legal services attorney" means an attorney who is an
9 employee of (A) any agency designated by subdivisions one and two of
10 section seven hundred twenty-two of the county law, who is engaged in
11 the practice of criminal law on behalf of persons charged with a crime
12 who are financially unable to obtain counsel; (B) a not-for-profit
13 corporation that is exempt from the payment of federal income taxes
14 pursuant to section 501(c)(3) of the internal revenue code and estab-
15 lished for the purpose of providing legal services that include civil
16 legal services to persons within New York state who are financially
17 unable to obtain counsel; or (C) an agency specified in clause (A) of
18 this subparagraph and/or a corporation specified in clause (B) of this
19 subparagraph and who provides a combination of the civil and criminal
20 services specified therein.

21 (iv) "Municipal attorney" means an attorney who is employed by a poli-
22 tical subdivision of the state in an agency, bureau or unit that
23 provides social or protective services to indigent adults or children or
24 police services.

25 b. "Eligible period" means the six-year period after completion of the
26 third year and before the commencement of the tenth year of employment
27 as an eligible attorney. For purposes of this section, all periods of
28 time during which an admitted attorney was employed as an eligible
29 attorney and all periods of time during which a law school graduate
30 awaiting admission to the New York state bar was employed by a prosecut-
31 ing or criminal defense agency as permitted by section four hundred
32 eighty-four of the judiciary law shall be combined.

33 c. "Student loan expense" means the total loan balance required to be
34 paid by the eligible attorney on the cumulative total of the attorney's
35 outstanding student loans covering his or her cost of attendance at an
36 undergraduate institution and/or law school, at the time of the attor-
37 ney's first application for reimbursement. Interest paid or due on such
38 loans shall be considered eligible for reimbursement under this program.
39 For purposes of this calculation, the amount of the student loan
40 expenses shall be reduced by any grants, loan forgiveness, or similar
41 reductions to the attorney's indebtedness that the attorney has received
42 or shall receive, including, but not limited to, law school loan
43 forgiveness and public service scholarships.

44 d. "Year of qualified service" means the twelve month period measured
45 from the anniversary of the attorney's employment as an eligible attor-
46 ney, or as a law school graduate awaiting admission to the New York
47 state bar employed by a prosecuting or criminal defense agency as
48 permitted by section four hundred eighty-four of the judiciary law,
49 adjusted for any interruption in employment. Any period of temporary
50 leave from service taken by an eligible attorney shall not be considered
51 in the calculation of qualified service. However, the period of tempo-
52 rary leave shall be considered an interruption in employment and the
53 calculation of the time period of qualified service shall recommence
54 when the eligible attorney returns to full time service.

55 3. Awards. a. An eligible attorney may apply for reimbursement after
56 the completion of each year of qualified service provided however that

1 reimbursement to each eligible attorney shall not exceed three thousand
2 four hundred dollars, per qualifying year, subject to appropriations
3 available therefor. The president may establish: (i) an application
4 deadline and (ii) a method of selecting recipients if in any given year
5 there are insufficient funds to cover the needs of all the applicants.
6 Awards shall be within the amounts appropriated for such purpose and
7 based on availability of funds.

8 b. An eligible attorney may apply after the completion of the fourth
9 year of qualified service, and annually thereafter after the completion
10 of the fifth through ninth year of qualified service, and may seek a
11 student loan expense grant for only the previous year of qualified
12 service within the time periods prescribed by the president. An eligible
13 attorney may receive student loan expense grants for no more than six
14 years of qualified service within an eligible period.

15 4. Rules and regulations. The president shall promulgate rules and
16 regulations for the administration of this program. The president may
17 promulgate rules and regulations to delegate to the entities employing
18 the eligible attorneys the responsibility to certify the employment
19 status and the student loan balance of the applicants.

20 § 2. This act shall take effect on the one hundred eightieth day after
21 it shall have become a law.