STATE OF NEW YORK

4045

2019-2020 Regular Sessions

IN SENATE

February 26, 2019

Introduced by Sen. JACKSON -- 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 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:

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

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

2. Definitions. a. (i) "Eligible attorney" means an attorney, who is a resident of and is admitted to practice law in New York state, who is employed full-time as either a district attorney, as defined in subparagraph (ii) of this paragraph, [~~or~~] an indigent legal services attorney, as defined in subparagraph (iii) of this paragraph, **or a municipal attorney, as defined in subparagraph (iv) of this paragraph, and** who is admitted to practice law in this state for not more than 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 seeking a student loan expense grant. Notwithstanding the foregoing, an eligible attorney shall include those district attorney applicants who were awarded program eligibility and who provided qualified service between April first, two thousand eight and March thirty-first, two thousand eleven; such an eligible attorney shall remain eligible to participate in the

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

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program provided they are within an eligible period measured from six years from the date which such attorney was first employed as a district attorney.

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

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

(iv) "Municipal attorney" means an attorney who is employed by a political subdivision of the state in an agency, bureau or unit that provides social or protective services to indigent adults or children.

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

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

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

3. Awards. a. An eligible attorney may apply for reimbursement after the completion of each year of qualified service provided however that reimbursement to each eligible attorney shall not exceed three thousand four hundred dollars, per qualifying year, subject to appropriations

available therefor. The president may establish: (i) an application deadline and (ii) a method of selecting recipients if in any given year there are insufficient funds to cover the needs of all the applicants. Awards shall be within the amounts appropriated for such purpose and based on availability of funds.

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

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

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