

STATE OF NEW YORK

5720

2021-2022 Regular Sessions

IN ASSEMBLY

February 24, 2021

Introduced by M. of A. SIMON -- read once and referred to the Committee on Higher Education

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

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

11 § 2. Paragraph d of subdivision 2 of section 679-e of the education
12 law, as amended by section 1 of part VV of chapter 56 of the laws of
13 2009, is amended to read as follows:

14 d. "Year of qualified service" means the twelve month period measured
15 from the anniversary of the attorney's employment as an eligible attorney,
16 or as a law school graduate awaiting admission to the New York
17 state bar employed by a prosecuting [~~or~~] agency, criminal defense
18 agency, and/or non-profit indigent civil legal services corporation as
19 permitted by section four hundred eighty-four of the judiciary law,
20 adjusted for any interruption in employment. Any period of temporary
21 leave from service taken by an eligible attorney shall not be considered
22 in the calculation of qualified service. However, the period of tempo-
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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 rary leave shall be considered an interruption in employment and the
2 calculation of the time period of qualified service shall recommence
3 when the eligible attorney returns to full time service.

4 § 3. Paragraph a of subdivision 3 of section 679-e of the education
5 law, as amended by section 1 of part VV of chapter 56 of the laws of
6 2009, is amended to read as follows:

7 a. An eligible attorney may apply for reimbursement after the
8 completion of each year of qualified service provided however that
9 reimbursement to each eligible attorney shall not exceed [~~three thousand~~
10 ~~four hundred~~] five thousand five hundred dollars, per qualifying year,
11 subject to appropriations available therefor. The president may estab-
12 lish: (i) an application deadline and (ii) a method of selecting recipi-
13 ents if in any given year there are insufficient funds to cover the
14 needs of all the applicants. Awards shall be within the amounts appro-
15 priated for such purpose and based on availability of funds.

16 § 4. Paragraph b of subdivision 3 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 b. An eligible attorney may apply after the completion of the [~~fourth~~
20 second] year of qualified service, and annually thereafter after the
21 completion of the [~~fifth~~] third through ninth year of qualified service,
22 and may seek a student loan expense grant for only the previous year of
23 qualified service within the time periods prescribed by the president.
24 An eligible attorney may receive student loan expense grants for no more
25 than [~~six~~] seven years of qualified service within an eligible period.

26 § 5. This act shall take effect April 1, 2022. Nothing in this act
27 shall be implemented in a manner that diminishes the current award or
28 status of eligible attorneys currently participating in the program.