

STATE OF NEW YORK

1568--B

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

Introduced by M. of A. SIMON, EPSTEIN, DINOWITZ, MAGNARELLI, TANNOUSIS, McDONOUGH, JACKSON, CRUZ, KELLES, BURGOS, STIRPE, WALKER, FORREST, RAGA, SEAWRIGHT, SHIMSKY, JACOBSON, LAVINE, HEVESI, LUNSFORD -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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. Subparagraph (i) of paragraph a of subdivision 2 of
2 section 679-e of the education law, as amended by section 1 of part R
3 of chapter 57 of the laws of 2011, is amended to read as follows:
4 (i) "Eligible attorney" means an attorney, who is a resident of and is
5 admitted to practice law in New York state, who is employed full-time as
6 either a district attorney, as defined in subparagraph (ii) of this
7 paragraph, or an indigent legal services attorney, as defined in subpar-
8 agraph (iii) of this paragraph or an attorney working as assigned coun-
9 sel pursuant to article eighteen-B of the county law who provides an
10 annual average of one hundred twenty hours per month to assigned counsel
11 cases, who is admitted to practice law in this state for not more than
12 eleven years or who was within the eligible period as defined in para-
13 graph b of this subdivision during the time for which such person is
14 seeking a student loan expense grant. Notwithstanding the foregoing, an
15 eligible attorney shall include those district attorney applicants who
16 were awarded program eligibility and who provided qualified service
17 between April first, two thousand eight and March thirty-first, two
18 thousand eleven; such an eligible attorney shall remain eligible to
19 participate in the program provided they are within an eligible period

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

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1 measured from six years from the date which such attorney was first
2 employed as a district attorney.

3 § 2. Paragraph b of subdivision 2 of section 679-e of the education
4 law, as amended by section 1 of part VV of chapter 56 of the laws of
5 2009, is amended to read as follows:

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

16 § 3. Paragraph d of subdivision 2 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 d. "Year of qualified service" means the twelve month period measured
20 from the anniversary of the attorney's employment as an eligible attor-
21 ney, or as a law school graduate awaiting admission to the New York
22 state bar employed by a prosecuting [~~or~~] agency, criminal defense
23 agency, non-profit indigent civil legal services corporation, or as
24 assigned counsel as permitted by section four hundred eighty-four of the
25 judiciary law, adjusted for any interruption in employment. Vacation or
26 leave time provided by the employer or leave taken for a condition that
27 is a qualifying reason for leave under the Family and Medical Leave Act
28 of 1993, 29 U.S.C. 2612(a)(1) and (3) shall not be considered an inter-
29 ruption in qualifying employment. Any period of [~~temporary leave from~~
30 ~~service~~] interruption in qualifying employment taken by an eligible
31 attorney shall not be considered in the calculation of qualified
32 service. However, the period of [~~temporary leave shall be considered an~~]
33 interruption in qualifying employment and the calculation of the time
34 period of qualified service shall recommence when the eligible attorney
35 returns to [~~full-time~~] service.

36 § 4. Paragraph a of subdivision 3 of section 679-e of the education
37 law, as amended by section 1 of part VV of chapter 56 of the laws of
38 2009, is amended to read as follows:

39 a. An eligible attorney may apply for reimbursement after the
40 completion of each year of qualified service provided however that
41 reimbursement to each eligible attorney shall not exceed [~~three thousand~~
42 ~~four hundred~~] eight thousand dollars, per qualifying year, subject to
43 appropriations available therefor. The president may establish: (i) an
44 application deadline and (ii) a method of selecting recipients if in any
45 given year there are insufficient funds to cover the needs of all the
46 applicants. Awards shall be within the amounts appropriated for such
47 purpose and based on availability of funds.

48 § 5. Paragraph b of subdivision 3 of section 679-e of the education
49 law, as amended by section 1 of part VV of chapter 56 of the laws of
50 2009, is amended to read as follows:

51 b. An eligible attorney may apply after the completion of the [~~fourth~~]
52 second year of qualified service, and annually thereafter after the
53 completion of the [~~fifth~~] third through [~~ninth~~] eleventh year of quali-
54 fied service, and may seek a student loan expense grant for only the
55 previous year of qualified service within the time periods prescribed by
56 the president. An eligible attorney may receive student loan expense

1 grants for no more than [~~six~~] eight years of qualified service within an
2 eligible period.
3 § 6. This act shall take effect April 1, 2024. Nothing in this act
4 shall be implemented in a manner that diminishes the current award or
5 status of eligible attorneys currently participating in the program.