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:

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

(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 an attorney working as assigned counsel pursuant to article eighteen-B of the county law who provides an annual average of one hundred twenty hours per month to assigned counsel cases**, 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 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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measured from six years from the date which such attorney was first employed as a district attorney.

§ 2. 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:

b. "Eligible period" means the [~~six-year~~] **eight-year** period after completion of the [~~third~~] **second** year and before the commencement of the [~~tenth~~] **eleventh** 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~~] **agency,** criminal defense agency**, non-profit indigent civil legal services corporation, or as assigned counsel** as permitted by section four hundred eighty-four of the judiciary law shall be combined.

§ 3. Paragraph d 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:

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~~] **agency,** criminal defense agency**, non-profit indigent civil legal services corporation, or as assigned counsel** as permitted by section four hundred eighty-four of the judiciary law, adjusted for any interruption in employment. **Vacation or leave time provided by the employer or leave taken for a condition that is a qualifying reason for leave under the Family and Medical Leave Act of 1993, 29 U.S.C. 2612(a)(1) and (3) shall not be considered an interruption in qualifying employment.** Any period of [~~temporary leave from service~~] **interruption in qualifying employment** 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 **qualifying** employment and the calculation of the time period of qualified service shall recommence when the eligible attorney returns to [~~full time~~] service.

§ 4. Paragraph a of subdivision 3 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:

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~~] **eight thousand** 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.

§ 5. Paragraph b of subdivision 3 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:

b. An eligible attorney may apply after the completion of the [~~fourth~~] **second** year of qualified service, and annually thereafter after the completion of the [~~fifth~~] **third** through [~~ninth~~] **eleventh** 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~~] **eight** years of qualified service within an eligible period.

§ 6. This act shall take effect April 1, 2024. Nothing in this act shall be implemented in a manner that diminishes the current award or status of eligible attorneys currently participating in the program.