

STATE OF NEW YORK

4511

2023-2024 Regular Sessions

IN SENATE

February 9, 2023

Introduced by Sens. RAMOS, FELDER, GOUNARDES, HOYLMAN-SIGAL, JACKSON, LIU, MAY, MYRIE, RIVERA, SALAZAR, SEPULVEDA, SERRANO, THOMAS -- 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 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
20 measured from six years from the date which such attorney was first
21 employed as a district attorney.

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

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

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

14 § 3. Paragraph d of subdivision 2 of section 679-e of the education
15 law, as amended by section 1 of part VV of chapter 56 of the laws of
16 2009, is amended to read as follows:

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

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

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

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

49 b. An eligible attorney may apply after the completion of the [~~fourth~~]
50 second year of qualified service, and annually thereafter after the
51 completion of the [~~fifth~~] third through [~~ninth~~] tenth year of qualified
52 service, and may seek a student loan expense grant for only the previous
53 year of qualified service within the time periods prescribed by the
54 president. An eligible attorney may receive student loan expense grants
55 for no more than [~~six~~] eight years of qualified service within an eligi-
56 ble period.

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