

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Public
5 Interest Attorney Assistance Act.

6 Section 5. Legislative findings. The General Assembly
7 finds the following:

8 (1) Equal access to justice is a basic right that is
9 fundamental to democracy in this State, and the integrity
10 of this State and this State's justice system depends on
11 protecting and enforcing the rights of all people and
12 quality enforcement of the laws of this State.

13 (2) Equal access to justice and quality enforcement of
14 State laws are integral parts of the general public
15 welfare.

16 (3) Vulnerable and disadvantaged citizens of this
17 State are unable to protect or enforce their rights without
18 legal assistance from public interest attorneys.

19 (4) Graduating law students and practicing attorneys
20 are increasingly unable to continue in public interest
21 attorney positions because of high student loan debt.

22 (5) Assisting public interest attorneys with loan
23 forgiveness is a major step toward ensuring quality legal

1 representation for this State's most vulnerable citizens
2 and quality enforcement of State law.

3 (6) The collection and distribution of funds under this
4 Act promotes justice and is in the public interest.

5 (7) The use of funds for the purposes prescribed by
6 this Act are in the public interest and consistent with
7 providing equal access to justice and quality enforcement
8 of State law.

9 Section 10. Purpose. The purpose of this Act is to
10 encourage qualified individuals to enter into and continue in
11 employment in this State as assistant State's Attorneys,
12 assistant Public Defenders, civil legal aid attorneys,
13 assistant Attorneys General, assistant public guardians, IGAC
14 attorneys, and legislative attorneys in a manner that protects
15 the rights of this State's most vulnerable citizens or promotes
16 the quality enforcement of State law.

17 Section 15. Definitions. For the purposes of this Act:

18 "Assistant State's Attorney" means a full-time employee of
19 a State's Attorney in Illinois or the State's Attorneys
20 Appellate Prosecutor who is continually licensed to practice
21 law and prosecutes or defends cases on behalf of the State or a
22 county.

23 "Assistant Attorney General" means a full-time employee of
24 the Illinois Attorney General who is continually licensed to

1 practice law and prosecutes or defends cases on behalf of the
2 State.

3 "Assistant Public Defender" means a full-time employee of a
4 Public Defender in Illinois or the State Appellate Defender who
5 is continually licensed to practice law and provides legal
6 representation to indigent persons, as provided by statute.

7 "Assistant public guardian" means a full-time employee of a
8 public guardian in Illinois who is continually licensed to
9 practice law and provides legal representation pursuant to
10 court appointment.

11 "Civil legal aid" means free or reduced-cost legal
12 representation or advice to low-income clients in non-criminal
13 matters.

14 "Civil legal aid attorney" means an attorney who is
15 continually licensed to practice law and is employed full time
16 as an attorney at a civil legal aid organization in Illinois.

17 "Civil legal aid organization" means a not-for-profit
18 corporation in Illinois that (i) is exempt from the payment of
19 federal income tax pursuant to Section 501(c)(3) of the
20 Internal Revenue Code, (ii) is established for the purpose of
21 providing legal services that include civil legal aid, (iii)
22 employs 2 or more full-time attorneys who are licensed to
23 practice law in this State and who directly provide civil legal
24 aid, and (iv) is in compliance with registration and filing
25 requirements that are applicable under the Charitable Trust Act
26 and the Solicitation for Charity Act.

1 "Commission" means the Illinois Student Assistance
2 Commission.

3 "Committee" means the advisory committee created under
4 Section 20 of this Act.

5 "Eligible debt" means outstanding principal, interest, and
6 related fees from loans obtained for undergraduate, graduate,
7 or law school educational expenses made by government or
8 commercial lending institutions or educational institutions.
9 "Eligible debt" excludes loans made by a private individual or
10 family member.

11 "IGAC attorney" means a full-time employee of the Illinois
12 Guardianship and Advocacy Commission, including the Office of
13 State Guardian, the Legal Advocacy Service, and the Human
14 Rights Authority, who is continually licensed to practice law
15 and provides legal representation to carry out the
16 responsibilities of the Illinois Guardianship and Advocacy
17 Commission.

18 "Legislative attorney" means a full-time employee of the
19 Illinois Senate, the Illinois House of Representatives, or the
20 Illinois Legislative Reference Bureau who is continually
21 licensed to practice law and provides legal advice to members
22 of the General Assembly.

23 "Program" means the Public Interest Attorney Loan
24 Repayment Assistance Program.

25 "Public interest attorney" means an attorney practicing in
26 Illinois who is an assistant State's Attorney, assistant Public

1 Defender, civil legal aid attorney, assistant Attorney
2 General, assistant public guardian, IGAC attorney, or
3 legislative attorney.

4 "Qualifying employer" means (i) an Illinois State's
5 Attorney or the State's Attorneys Appellate Prosecutor, (ii) an
6 Illinois Public Defender or the State Appellate Defender, (iii)
7 an Illinois civil legal aid organization, (iv) the Illinois
8 Attorney General, (v) an Illinois public guardian, (vi) the
9 Illinois Guardianship and Advocacy Commission, (vii) the
10 Illinois Senate, (viii) the Illinois House of Representatives,
11 or (ix) the Illinois Legislative Reference Bureau.

12 Section 20. Public Interest Attorney Loan Repayment
13 Assistance Program.

14 (a) The Commission shall establish and administer the
15 Program for the primary purpose of providing loan repayment
16 assistance to practicing attorneys to encourage them to pursue
17 careers as public interest attorneys to protect the rights of
18 this State's most vulnerable citizens or provide quality
19 enforcement of State law. The Commission shall create an
20 advisory committee composed of representatives from
21 organizations with relevant expertise, including one person
22 from each of the following entities:

- 23 (1) The Illinois State's Attorneys Association.
24 (2) An office of an Illinois Public Defender.
25 (3) An office of an Illinois public guardian.

1 (4) The Office of the Illinois Attorney General.

2 (5) The Chicago Bar Association.

3 (6) The Illinois State Bar Association.

4 (7) A public law school in this State.

5 (b) The Public Interest Attorney Loan Repayment Assistance
6 Fund is created as a special fund in the State treasury. The
7 Fund shall consist of all moneys remitted to the Commission
8 under the terms of this Act. All money in the Fund shall be
9 used, subject to appropriation, by the Commission for the
10 purposes of this Act.

11 (c) Subject to the availability of appropriations and
12 subsections (d) and (e) of this Section, the Commission shall
13 distribute funds to eligible applicants.

14 (d) The Commission is authorized to prescribe all rules,
15 policies, and procedures necessary or convenient for the
16 administration of the Program and all terms and conditions
17 applicable to payments made under this Act. This shall be done
18 with the guidance and assistance of the Committee.

19 (e) The Commission shall administer the Program,
20 including, but not limited to, establishing and implementing
21 the following:

22 (1) An application process. Subject to the
23 availability of appropriations, the Commission shall, each
24 year, consider applications by eligible public interest
25 attorneys for loan repayment assistance under the Program.

26 (2) Eligibility requirements. The Commission shall, on

1 an annual basis, receive and consider applications for loan
2 repayment assistance under the Program if the Commission
3 finds that the applicant:

4 (i) is a citizen or permanent resident of the
5 United States;

6 (ii) is a licensed member of the Illinois Bar in
7 good standing;

8 (iii) has eligible debt in grace or repayment
9 status; and

10 (iv) is employed as a public interest attorney with
11 a qualifying employer in Illinois.

12 (3) A maximum amount of loan repayment assistance for
13 each participant, which shall be \$6,000 per year, up to a
14 maximum of \$30,000 during the participant's career.

15 (4) Prioritization. The Commission shall develop
16 criteria for prioritization among eligible applicants in
17 the event that there are insufficient funds available to
18 make payments to all eligible applicants under this Act.
19 The prioritization criteria shall include the timeliness
20 of the application, the applicant's salary level, the
21 amount of the applicant's eligible debt, the availability
22 of other loan repayment assistance to the applicant, the
23 applicant's length of service as a public interest
24 attorney, and the applicant's prior participation in the
25 Program.

26 (f) The distribution of funds available after

1 administrative costs must be made by the Commission to eligible
2 public interest attorneys in the following manner:

3 (1) Loan repayment assistance must be in the form of a
4 forgivable loan.

5 (2) To have the loan forgiven, the participant shall
6 (i) complete a year of employment with a qualifying
7 employer and (ii) make educational debt payments (interest
8 or principal or both) that equal at least the amount of
9 assistance received under the Program during the
10 assistance year.

11 (3) Each loan must be documented by means of a
12 promissory note executed by the borrower in a form provided
13 by the Commission and shall be forgiven when an eligible
14 participant meets the requirements set forth by the
15 Commission.

16 Section 25. Ineligibility and termination of funds;
17 procedures.

18 (a) If a participant becomes ineligible during the term of
19 a loan, he or she must repay the outstanding amount of any loan
20 received from the Commission.

21 (b) The Commission may in its discretion forgive the loan
22 of a participant in whole or in part in certain circumstances
23 as set forth in its written policies and guidelines.

24 Section 30. Other powers. The Commission may make, enter

1 into, and execute contracts, agreements, leases, and other
2 instruments with any person, including without limitation any
3 federal, State, or local governmental agency, and may take
4 other actions that may be necessary or convenient to accomplish
5 any purpose authorized by this Act.

6 Section 85. Rulemaking conditions. Rulemaking authority to
7 implement this Act, if any, is conditioned on the rules being
8 adopted in accordance with all provisions of the Illinois
9 Administrative Procedure Act and all rules and procedures of
10 the Joint Committee on Administrative Rules; any purported rule
11 not so adopted, for whatever reason, is unauthorized.

12 Section 90. The State Finance Act is amended by adding
13 Section 5.719 as follows:

14 (30 ILCS 105/5.719 new)

15 Sec. 5.719. The Public Interest Attorney Loan Repayment
16 Assistance Fund.