

S T A T E O F N E W Y O R K

6797--A

I N S E N A T E

March 22, 2012

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to providing a tax credit for the purchase and installation of a security system

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 210 of the tax law is amended by adding a new
2 subdivision 24-a to read as follows:
3 24-A. CREDIT FOR PURCHASE AND INSTALLATION OF SECURITY SYSTEM. (A) A
4 TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN THIS
5 SUBDIVISION, AGAINST THE TAX IMPOSED BY THIS ARTICLE, FOR THE PURCHASE,
6 OTHER THAN FOR RESALE, OF A SECURITY SYSTEM, PROVIDED SUCH TAXPAYER
7 REGISTERS SUCH SYSTEM WITH THE DIVISION OF HOMELAND SECURITY AND EMER-
8 GENCY SERVICES. THE AMOUNT OF CREDIT SHALL EQUAL THE AMOUNT PAID BY THE
9 TAXPAYER DURING THE TAXABLE YEAR, UP TO FIVE HUNDRED DOLLARS, FOR THE
10 PURCHASE AND INSTALLATION OF ANY SECURITY SYSTEM.
11 (B) FOR THE PURPOSES OF THIS SUBDIVISION, "SECURITY SYSTEM" IS DEFINED
12 AS A CLOSED-CIRCUIT TELEVISION OR OTHER ELECTRONIC SECURITY SYSTEM
13 INSTALLED TO DETECT INTRUSION, BREAK-IN, MOVEMENT, SOUND OR FIRE.
14 (C) A TAXPAYER SHALL NOT BE ALLOWED A TAX CREDIT UNDER THIS SUBDIVI-
15 SION IF SUCH TAXPAYER PREVIOUSLY RECEIVED A TAX CREDIT UNDER THIS SUBDI-
16 VISION.
17 (D) THE CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR
18 WILL NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN THE AMOUNT
19 PRESCRIBED IN PARAGRAPH (D) OF SUBDIVISION ONE OF THIS SECTION. HOWEVER,
20 IF THE AMOUNT OF CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE
21 YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT THUS NOT
22 DEDUCTIBLE IN SUCH TAXABLE YEAR WILL BE TREATED AS AN OVERPAYMENT OF TAX
23 TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION
24 ONE THOUSAND EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, THE
25 PROVISIONS OF SUBSECTION (C) OF SECTION ONE THOUSAND EIGHTY-EIGHT OF
26 THIS CHAPTER NOTWITHSTANDING, NO INTEREST WILL BE PAID THEREON.

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

LBD14237-02-2

1 S 2. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
2 of the tax law is amended by adding a new clause (xxxiv) to read as
3 follows:

4 (XXXIV) CREDIT FOR PURCHASE	PURCHASE AND INSTALLATION
5 AND INSTALLATION OF A	COSTS OF A SECURITY SYSTEM
6 SECURITY SYSTEM	UNDER SUBDIVISION
7 UNDER SUBSECTION (S-1)	TWENTY-FOUR-A OF SECTION
8	TWO HUNDRED TEN OR
9	SUBSECTION (J-1) OF
10	SECTION FOURTEEN HUNDRED
11	FIFTY-SIX

12 S 3. Section 606 of the tax law is amended by adding a new subsection
13 (s-1) to read as follows:

14 (S-1) (1) CREDIT FOR PURCHASE AND INSTALLATION OF A SECURITY SYSTEM. A
15 TAXPAYER SHALL BE ALLOWED A CREDIT AS HEREINAFTER PROVIDED, AGAINST THE
16 TAX IMPOSED BY THIS ARTICLE FOR THE PURCHASE AND INSTALLATION OF A SECU-
17 RITY SYSTEM, AS SUCH TERM IS DEFINED IN SUBDIVISION TWENTY-FOUR-A OF
18 SECTION TWO HUNDRED TEN OF THIS CHAPTER, PROVIDED SUCH TAXPAYER REGIS-
19 TERS SUCH SYSTEM WITH THE DIVISION OF HOMELAND SECURITY AND EMERGENCY
20 SERVICES. THE AMOUNT OF CREDIT SHALL EQUAL THE AMOUNT PAID BY THE
21 TAXPAYER DURING THE TAXABLE YEAR, UP TO FIVE HUNDRED DOLLARS, FOR THE
22 PURCHASE AND INSTALLATION OF ANY SECURITY SYSTEM. A TAXPAYER SHALL NOT
23 BE ALLOWED A TAX CREDIT UNDER THIS SUBSECTION IF SUCH TAXPAYER PREVIOUS-
24 LY RECEIVED A TAX CREDIT UNDER THIS SUBSECTION.

25 (2) IF THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SUBSECTION SHALL
26 EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS SHALL BE TREATED AS
27 AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE
28 PROVISIONS OF SECTION SIX HUNDRED EIGHTY-SIX OF THIS ARTICLE, PROVIDED,
29 HOWEVER, THAT NO INTEREST SHALL BE PAID THEREON.

30 S 4. Section 1456 of the tax law is amended by adding a new subsection
31 (j-1) to read as follows:

32 (J-1) (1) CREDIT FOR PURCHASE AND INSTALLATION OF A SECURITY SYSTEM.
33 A TAXPAYER SHALL BE ALLOWED A CREDIT AS PROVIDED IN THIS SUBSECTION,
34 AGAINST THE TAX IMPOSED BY THIS ARTICLE FOR THE PURCHASE AND INSTALLA-
35 TION OF A SECURITY SYSTEM, AS SUCH TERM IS DEFINED IN SUBDIVISION TWEN-
36 TY-FOUR-A OF SECTION TWO HUNDRED TEN OF THIS CHAPTER, PROVIDED SUCH
37 TAXPAYER REGISTERS SUCH SYSTEM WITH THE DIVISION OF HOMELAND SECURITY
38 AND EMERGENCY SERVICES. THE AMOUNT OF CREDIT SHALL EQUAL THE AMOUNT PAID
39 BY THE TAXPAYER DURING THE TAXABLE YEAR, UP TO FIVE HUNDRED DOLLARS, FOR
40 THE PURCHASE AND INSTALLATION OF ANY SECURITY SYSTEM. THE CREDIT ALLOWED
41 UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR SHALL NOT REDUCE THE TAX DUE
42 FOR SUCH YEAR TO LESS THAN THE MINIMUM TAX FIXED BY SUBSECTION (B) OF
43 SECTION FOURTEEN HUNDRED FIFTY-FIVE OF THIS ARTICLE. A TAXPAYER SHALL
44 NOT BE ALLOWED A TAX CREDIT UNDER THIS SUBSECTION IF SUCH TAXPAYER
45 PREVIOUSLY RECEIVED A TAX CREDIT UNDER THIS SUBSECTION.

46 (2) HOWEVER, IF THE AMOUNT OF CREDIT ALLOWED UNDER THIS SUBSECTION FOR
47 ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT
48 THUS NOT DEDUCTIBLE IN SUCH TAXABLE YEAR WILL BE TREATED AS AN OVERPAY-
49 MENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS
50 OF SECTION ONE THOUSAND EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER,
51 THE PROVISIONS OF SUBSECTION (C) OF SECTION ONE THOUSAND EIGHTY-EIGHT OF
52 THIS CHAPTER NOTWITHSTANDING, NO INTEREST WILL BE PAID THEREON.

53 S 5. Section 1511 of the tax law is amended by adding a new subdivi-
54 sion (1-1) to read as follows:

1 (1-1) (1) CREDIT FOR PURCHASE AND INSTALLATION OF SECURITY SYSTEM. A
2 TAXPAYER SHALL BE ALLOWED A CREDIT AS HEREINAFTER PROVIDED, AGAINST THE
3 TAX IMPOSED BY THIS ARTICLE FOR THE PURCHASE AND INSTALLATION OF A SECUR-
4 RITY SYSTEM, AS SUCH TERM IS DEFINED IN SUBDIVISION TWENTY-FOUR-A OF
5 SECTION TWO HUNDRED TEN OF THIS CHAPTER PROVIDED SUCH TAXPAYER REGISTERS
6 SUCH SYSTEM WITH THE DIVISION OF HOMELAND SECURITY AND EMERGENCY
7 SERVICES. THE AMOUNT OF CREDIT SHALL EQUAL THE AMOUNT PAID BY THE
8 TAXPAYER DURING THE TAXABLE YEAR, UP TO FIVE HUNDRED DOLLARS, FOR THE
9 PURCHASE AND INSTALLATION OF ANY SECURITY SYSTEM. THE CREDIT ALLOWED
10 UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR SHALL NOT REDUCE THE TAX DUE
11 FOR SUCH YEAR TO LESS THAN THE MINIMUM FIXED BY PARAGRAPH FOUR OF SUBDI-
12 VISION (A) OF SECTION FIFTEEN HUNDRED TWO OF THIS ARTICLE. A TAXPAYER
13 SHALL NOT BE ALLOWED A TAX CREDIT UNDER THIS SUBDIVISION IF SUCH TAXPAY-
14 ER PREVIOUSLY RECEIVED A TAX CREDIT UNDER THIS SUBDIVISION.

15 (2) HOWEVER, IF THE AMOUNT OF CREDIT ALLOWED UNDER THIS SUBSECTION FOR
16 ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT
17 THUS NOT DEDUCTIBLE IN SUCH TAXABLE YEAR WILL BE TREATED AS AN OVERPAY-
18 MENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS
19 OF SECTION ONE THOUSAND EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER,
20 THE PROVISIONS OF SUBSECTION (C) OF SECTION ONE THOUSAND EIGHTY-EIGHT OF
21 THIS CHAPTER NOTWITHSTANDING, NO INTEREST WILL BE PAID THEREON.

22 S 6. This act shall take effect immediately and shall apply to taxable
23 years commencing on or after January 1, 2013.