

10526

I N A S S E M B L Y

May 31, 2016

Introduced by M. of A. ROSENTHAL -- read once and referred to the
Committee on Ways and Means

AN ACT to amend the tax law, in relation to a tax credit for employment
of an individual who has successfully completed a judicial diversion
program or graduated from a drug court

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

1 Section 1. Section 210-B of the tax law is amended by adding a new
2 subdivision 49 to read as follows:
3 49. CREDIT FOR EMPLOYMENT OF INDIVIDUALS WHO HAVE GRADUATED FROM DRUG
4 COURT OR HAVE SUCCESSFULLY COMPLETED A JUDICIAL DIVERSION PROGRAM. (A)
5 ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE
6 COMPUTED AS PROVIDED IN THIS SUBDIVISION, AGAINST THE TAX IMPOSED BY
7 THIS ARTICLE, IF IT EMPLOYS AN INDIVIDUAL WHO HAS GRADUATED FROM DRUG
8 COURT OR HAS SUCCESSFULLY COMPLETED A JUDICIAL DIVERSION PROGRAM PURSU-
9 ANT TO ARTICLE TWO HUNDRED SIXTEEN OF THE CRIMINAL PROCEDURE LAW,
10 PROVIDED THAT SUCH INDIVIDUAL IS EMPLOYED FOR THIRTY-FIVE HOURS OR MORE
11 PER WEEK AND REMAINS IN THE EMPLOY OF SUCH TAXPAYER FOR A MINIMUM OF
12 TWELVE MONTHS.
13 (B) AMOUNT OF CREDIT. A CREDIT AUTHORIZED BY THIS SECTION SHALL EQUAL
14 THREE THOUSAND DOLLARS PER HIRED INDIVIDUAL FOR THE FIRST YEAR OF
15 EMPLOYMENT AND AN ADDITIONAL ONE THOUSAND DOLLARS IF THE INDIVIDUAL
16 REMAINS IN EMPLOY FOR AN ADDITIONAL TWELVE MONTHS.
17 (C) APPLICATION OF CREDIT. THE CREDIT ALLOWED UNDER THIS SUBDIVISION
18 FOR ANY TAXABLE YEAR SHALL NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS
19 THAN THE AMOUNT PRESCRIBED IN PARAGRAPH (D) OF SUBDIVISION ONE OF THIS
20 SECTION. IF, HOWEVER, THE AMOUNT OF CREDITS ALLOWED UNDER THIS SUBDIVI-
21 SION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF
22 CREDIT THUS NOT DEDUCTIBLE IN SUCH TAXABLE YEAR SHALL BE TREATED AS AN
23 OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE
24 PROVISIONS OF SECTION ONE THOUSAND EIGHTY-SIX OF THIS CHAPTER. PROVIDED,
25 HOWEVER, THE PROVISIONS OF SUBSECTION (C) OF SECTION ONE THOUSAND EIGHT-
26 Y-EIGHT OF THIS CHAPTER NOTWITHSTANDING, NO INTEREST SHALL BE PAID THER-
27 EON.

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

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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 (xlili) to read as
3 follows:

4 (XLIIL) EMPLOYMENT OF INDIVIDUALS	AMOUNT OF CREDIT
5 WHO HAVE GRADUATED FROM	UNDER SUBDIVISION
6 DRUG COURT OR HAVE	FORTY-NINE OF SECTION
7 SUCCESSFULLY COMPLETED	TWO HUNDRED TEN-B
8 A JUDICIAL DIVERSION PROGRAM	
9 TAX CREDIT UNDER	
10 SUBSECTION (CCC)	

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

13 (CCC) TAX CREDIT FOR EMPLOYMENT OF INDIVIDUALS WHO HAVE GRADUATED FROM
14 DRUG COURT OR HAVE SUCCESSFULLY COMPLETED A JUDICIAL DIVERSION PROGRAM.

15 (1) ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE
16 COMPUTED AS PROVIDED IN THIS SUBDIVISION, AGAINST THE TAX IMPOSED BY
17 THIS ARTICLE, IF IT EMPLOYS AN INDIVIDUAL WHO HAS GRADUATED FROM DRUG
18 COURT OR WHO HAS SUCCESSFULLY COMPLETED A JUDICIAL DIVERSION PROGRAM
19 PURSUANT TO ARTICLE TWO HUNDRED SIXTEEN OF THE CRIMINAL PROCEDURE LAW,
20 PROVIDED THAT SUCH INDIVIDUAL IS EMPLOYED FOR THIRTY-FIVE HOURS OR MORE
21 PER WEEK AND REMAINS IN THE EMPLOY OF SUCH TAXPAYER FOR TWELVE MONTHS.

22 (2) AMOUNT OF CREDIT. A CREDIT AUTHORIZED BY THIS SECTION SHALL EQUAL
23 THREE THOUSAND DOLLARS PER HIRED INDIVIDUAL FOR THE FIRST YEAR OF
24 EMPLOYMENT AND AN ADDITIONAL ONE THOUSAND DOLLARS IF THE INDIVIDUAL
25 REMAINS IN EMPLOY FOR AN ADDITIONAL TWELVE MONTHS.

26 (3) APPLICATION OF CREDIT. THE CREDIT ALLOWED UNDER THIS SUBSECTION
27 FOR ANY TAXABLE YEAR SHALL NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS
28 THAN THE HIGHER OF THE AMOUNT PRESCRIBED IN PARAGRAPHS (C) AND (D) OF
29 SUBDIVISION ONE OF SECTION TWO HUNDRED TEN-B OF THIS CHAPTER. IF,
30 HOWEVER, THE AMOUNT OF CREDITS ALLOWED UNDER THIS SUBDIVISION FOR ANY
31 TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT THUS
32 NOT DEDUCTIBLE IN SUCH TAXABLE YEAR SHALL BE TREATED AS AN OVERPAYMENT
33 OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF
34 SECTION ONE THOUSAND EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, THE
35 PROVISIONS OF SUBSECTION (C) OF SECTION ONE THOUSAND EIGHTY-EIGHT OF
36 THIS CHAPTER NOTWITHSTANDING, NO INTEREST SHALL BE PAID THEREON.

37 S 4. This act shall take effect immediately and shall be deemed to
38 have been in full force and effect on the same date as part A of chapter
39 59 of the laws of 2014 took effect and shall apply to taxable years
40 beginning on and after January 1, 2016 and shall apply to those employ-
41 ees hired after this act shall take effect.