

2346

2015-2016 Regular Sessions

I N S E N A T E

January 22, 2015

Introduced by Sen. SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

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 ASSEMBLY, 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

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

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1 PROVISIONS OF SECTION ONE THOUSAND EIGHTY-SIX OF THIS CHAPTER. PROVIDED,
2 HOWEVER, THE PROVISIONS OF SUBSECTION (C) OF SECTION ONE THOUSAND EIGHT-
3 Y-EIGHT OF THIS CHAPTER NOTWITHSTANDING, NO INTEREST SHALL BE PAID THERE-
4 EON.

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

8 (XLI) EMPLOYMENT OF INDIVIDUALS	AMOUNT OF CREDIT
9 WHO HAVE GRADUATED FROM	UNDER SUBDIVISION
10 DRUG COURT OR HAVE	FORTY-NINE OF SECTION
11 SUCCESSFULLY COMPLETED	TWO HUNDRED TEN-B
12 A JUDICIAL DIVERSION PROGRAM	
13 TAX CREDIT UNDER	
14 SUBSECTION (CCC)	

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

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

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

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

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

41 S 4. This act shall take effect on the same date and in the same
42 manner as part A of chapter 59 of the laws of 2014 takes effect and
43 shall apply to taxable years beginning on and after January 1, 2016 and
44 shall apply to those employees hired after this act shall take effect.