

2346--A

Cal. No. 839

2015-2016 Regular Sessions

I N S E N A T E

January 22, 2015

Introduced by Sens. SEWARD, AKSHAR, AMEDORE, MURPHY, O'MARA, ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- recommit- ted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- committee discharged and said bill committed to the Committee on Rules -- reported favorably from said committee, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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.

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

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1 (C) APPLICATION OF CREDIT. THE CREDIT ALLOWED UNDER THIS SUBDIVISION
2 FOR ANY TAXABLE YEAR SHALL NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS
3 THAN THE AMOUNT PRESCRIBED IN PARAGRAPH (D) OF SUBDIVISION ONE OF THIS
4 SECTION. IF, HOWEVER, THE AMOUNT OF CREDITS ALLOWED UNDER THIS SUBDIVI-
5 SION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF
6 CREDIT THUS NOT DEDUCTIBLE IN SUCH TAXABLE YEAR SHALL BE TREATED AS AN
7 OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE
8 PROVISIONS OF SECTION ONE THOUSAND EIGHTY-SIX OF THIS CHAPTER. PROVIDED,
9 HOWEVER, THE PROVISIONS OF SUBSECTION (C) OF SECTION ONE THOUSAND EIGHT-
10 Y-EIGHT OF THIS CHAPTER NOTWITHSTANDING, NO INTEREST SHALL BE PAID THER-
11 EON.

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

15 (XLIIII) EMPLOYMENT OF INDIVIDUALS	AMOUNT OF CREDIT
16 WHO HAVE GRADUATED FROM	UNDER SUBDIVISION
17 DRUG COURT OR HAVE	FORTY-NINE OF SECTION
18 SUCCESSFULLY COMPLETED	TWO HUNDRED TEN-B
19 A JUDICIAL DIVERSION PROGRAM	
20 TAX CREDIT UNDER	
21 SUBSECTION (CCC)	

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

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

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

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

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

48 S 4. This act shall take effect immediately and shall be deemed to
49 have been in full force and effect on the same date as part A of chapter
50 59 of the laws of 2014 took effect and shall apply to taxable years
51 beginning on and after January 1, 2016 and shall apply to those employ-
52 ees hired after this act shall take effect.