

STATE OF NEW YORK

7785

IN SENATE

February 23, 2018

Introduced by Sen. CROCI -- 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 providing a tax credit for wounded warrior caregivers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 606 of the tax law is amended by adding a new
2 subsection (iii) to read as follows:

3 (iii) Wounded warrior caregivers tax credit. (1) Allowance of credit.
4 A taxpayer who is eligible pursuant to section forty-four of this chap-
5 ter shall be allowed a credit to be computed as provided in such
6 section against the tax imposed by this article.

7 (2) Application of credit. If the amount of the credits allowable
8 under this subsection for any taxable year exceeds the taxpayer's tax
9 for such year, the excess shall be treated as an overpayment of tax to
10 be credited or refunded in accordance with the provisions of section six
11 hundred eighty-six of this article, provided, however, that no interest
12 shall be paid thereon.

13 § 2. The tax law is amended by adding a new section 44 to read as
14 follows:

15 § 44. Wounded warrior caregivers tax credit. (a) Definitions. (1)
16 Qualified family caregiver shall mean an individual resident of this
17 state, with federal adjusted gross income for the taxable year not in
18 excess of two hundred thousand dollars if filing jointly or one hundred
19 thousand dollars if filing as a single or separate filer, who provides
20 care and support to a qualifying armed service member to whom the care-
21 giver is a relative.

22 (2) Qualified armed service member shall mean an individual who has a
23 disability arising out of service in the active military or naval
24 service of the United States in any war or conflict on or after Septem-
25 ber eleventh, two thousand one, has been honorably discharged or
26 released under honorable circumstances, meets the requirement for total
27 disability ratings for compensation based upon unemployability of the

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

LBD13773-02-7

1 individual as determined by the United States department of veterans
2 affairs, and has resided with the qualified family caregiver in this
3 state for not less than six months of the taxable year.

4 (3) Relative shall mean an individual related by consanguinity within
5 the third degree by law or blood.

6 (b) Allowance of credit. (1) A taxpayer that is a qualified family
7 caregiver shall be allowed a qualified veteran care credit against the
8 tax otherwise due for the taxable year, in an amount equal to one
9 hundred percent of the federal veteran disability compensation of a
10 qualified armed service member for which the qualified family caregiver
11 renders care or eight hundred dollars, whichever is less.

12 (2) If two or more family caregivers qualify for the qualified veteran
13 care credit for the same qualified armed service member, the amount of
14 the credit allowed shall be allocated in proportion to each qualified
15 family caregiver's share of total care expenses provided for the taxable
16 year.

17 (3) If the amount of the credit allowed under this subsection for any
18 taxable year shall exceed the taxpayer's tax for such year, the excess
19 shall be treated as an overpayment of tax to be credited or refunded in
20 accordance with the provisions of section six hundred eighty-six of this
21 chapter, provided, however, that no interest shall be paid thereon.

22 § 3. This act shall take effect immediately and apply to taxable years
23 beginning on or after January first next succeeding the date on which it
24 became a law.