

STATE OF NEW YORK

5358

2021-2022 Regular Sessions

IN SENATE

March 3, 2021

Introduced by Sen. OBERACKER -- read twice and ordered printed, and when printed to be committed to the Committee on Budget and Revenue

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 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 55 to read as follows:

3 55. 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,

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

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1 however, the provisions of subsection (c) of section one thousand eight-
 2 y-eight of this chapter notwithstanding, no interest shall be paid ther-
 3 eon.

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

7	<u>(xlvi) Employment of individuals</u>	<u>Amount of credit</u>
8	<u>who have graduated from</u>	<u>under subdivision</u>
9	<u>drug court or have</u>	<u>fifty-five of section</u>
10	<u>successfully completed</u>	<u>two hundred ten-B</u>
11	<u>a judicial diversion program</u>	
12	<u>tax credit under</u>	
13	<u>subsection (kkk)</u>	

14 § 3. Section 606 of the tax law is amended by adding a new subsection
 15 (kkk) to read as follows:

16 (kkk) Tax credit for employment of individuals who have graduated from
 17 drug court or have successfully completed a judicial diversion program.
 18 (1) Allowance of credit. A taxpayer shall be allowed a credit, to be
 19 computed as provided in this subsection, against the tax imposed by this
 20 article, if it employs an individual who has graduated from drug court
 21 or who has successfully completed a judicial diversion program pursuant
 22 to article two hundred sixteen of the criminal procedure law, provided
 23 that such individual is employed for thirty-five hours or more per week
 24 and remains in the employ of such taxpayer for twelve months.

25 (2) Amount of credit. A credit authorized by this section shall equal
 26 three thousand dollars per hired individual for the first year of
 27 employment and an additional one thousand dollars if the individual
 28 remains in employ for an additional twelve months.

29 (3) Application of credit. The credit allowed under this subsection
 30 for any taxable year shall not reduce the tax due for such year to less
 31 than the higher of the amount prescribed in paragraphs (c) and (d) of
 32 subdivision one of section two hundred ten-B of this chapter. If,
 33 however, the amount of credits allowed under this subdivision for any
 34 taxable year reduces the tax to such amount, any amount of credit thus
 35 not deductible in such taxable year shall be treated as an overpayment
 36 of tax to be credited or refunded in accordance with the provisions of
 37 section one thousand eighty-six of this chapter. Provided, however, the
 38 provisions of subsection (c) of section one thousand eighty-eight of
 39 this chapter notwithstanding, no interest shall be paid thereon.

40 § 4. This act shall take effect immediately and shall apply to taxable
 41 years beginning on and after January 1, 2022 and shall apply to those
 42 employees hired after this act shall take effect.