

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 232

Introduced by Assembly Member Ting

February 5, 2013

An act to add Sections 17053.15 and 23683 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 232, as amended, Ting. ~~Personal income~~Income taxes: credits: gun buybacks.

The Personal Income Tax Law ~~authorizes and the Corporation Tax Law allow~~ various credits against the taxes imposed by ~~that law~~ those laws.

This bill, for taxable years beginning on or after January 1, 2014, would allow a credit against the taxes imposed under the Personal Income Tax Law in an amount equal to a specified amount for a handgun, shotgun, rifle, or assault weapon in working condition that is surrendered or sold to local law enforcement in a gun buyback program during the taxable year, not to exceed \$1,000 per taxable year.

This bill, for taxable years beginning on or after January 1, 2014, would allow a credit against the taxes imposed under the Corporation Tax Law in an amount equal to the monetary amount contributed during the taxable year by a taxpayer to a gun buyback program administered by local law enforcement, not to exceed \$1,000 per taxable year.

This bill would take effect immediately as a tax levy.

~~This bill would state the intent of the Legislature to enact legislation that would create the California Gun Buyback Incentive Program, which would consist of legislation authorizing a personal income tax credit~~

for persons who voluntarily surrender a firearm or large capacity magazine to a local government entity that is conducting a gun buyback program.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17053.15 is added to the Revenue and
 2 Taxation Code, to read:
 3 17053.15. (a) (1) For each taxable year beginning on or after
 4 January 1, 2014, there shall be allowed as a credit against the
 5 “net tax,” as defined in Section 17039, an amount equal to the
 6 amount described in paragraph (2) for a handgun, shotgun, rifle,
 7 or assault weapon in working condition that is surrendered or
 8 sold to local law enforcement in a gun buyback program during
 9 the taxable year, not to exceed one thousand dollars (\$1,000) per
 10 taxable year.
 11 (2) The amount of credit allowed under this section is as follows:
 12 (A) Five hundred dollars per handgun, shotgun, or rifle that is
 13 in working condition.
 14 (B) One thousand dollars per assault weapon that is in working
 15 condition.
 16 (b) The taxpayer shall keep a record of the type of handgun,
 17 shotgun, rifle, or assault weapon surrendered or sold to local law
 18 enforcement in a buyback program, the number surrendered or
 19 sold, the name, address, and date of the buyback program or any
 20 other information the Franchise Tax Board may prescribe by
 21 regulation. This record shall be furnished to the Franchise Tax
 22 Board upon request.
 23 (c) In the case where the credit allowed by this section exceeds
 24 the “net tax,” the excess may be carried over to reduce the “net
 25 tax” in the succeeding two years if necessary, until the credit has
 26 been exhausted.
 27 (d) (1) The Franchise Tax Board shall promulgate rules and
 28 regulations as necessary or appropriate to implement this section.
 29 (2) Chapter 3.5 (commencing with Section 11340) of Part 1 of
 30 Division 3 of Title 2 of the Government Code does not apply to
 31 any rules or regulations established or issued by the Franchise
 32 Tax Board pursuant to this section.

1 SEC. 2. Section 23683 is added to the Revenue and Taxation
2 Code, to read:

3 23683. (a) For each taxable year beginning on or after
4 January 1, 2014, there shall be allowed as a credit against the
5 "tax," as defined in Section 23036, an amount equal to the
6 monetary amount contributed during the taxable year by a taxpayer
7 to a gun buyback program administered by local law enforcement,
8 not to exceed one thousand dollars (\$1,000) per taxable year.

9 (b) The taxpayer shall keep a record of the monetary amount
10 contributed, the date of contribution, and the name, address, and
11 date of the buyback program, or any other information the
12 Franchise Tax Board may prescribe by regulation. This record
13 shall be furnished to the Franchise Tax Board upon request.

14 (c) In the case where the credit allowed by this section exceeds
15 the "tax," the excess may be carried over to reduce the "tax" in
16 the succeeding two years if necessary, until the credit has been
17 exhausted.

18 (d) (1) The Franchise Tax Board shall promulgate rules and
19 regulations as necessary or appropriate to implement this section.

20 (2) Chapter 3.5 (commencing with Section 11340) of Part 1 of
21 Division 3 of Title 2 of the Government Code does not apply to
22 any rules or regulations established or issued by the Franchise
23 Tax Board pursuant to this section.

24 SEC. 3. This act provides for a tax levy within the meaning of
25 Article IV of the Constitution and shall go into immediate effect.

26 ~~SECTION 1. It is the intent of the Legislature to enact~~
27 ~~legislation that would create the California Gun Buyback Incentive~~
28 ~~Program, which would consist of legislation that authorizing a~~
29 ~~personal income tax credit for persons who voluntarily surrender~~
30 ~~a firearm or large capacity magazine to a local government entity~~
31 ~~that is conducting a gun buyback program.~~