

AMENDED IN ASSEMBLY MAY 6, 2013
AMENDED IN ASSEMBLY APRIL 2, 2013
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~~ *and repeal Section 17053.15 and 23683 to of* the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 232, as amended, Ting. Income taxes:—~~credits:~~ *credit:* gun buybacks.

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

This bill, for taxable years beginning on or after January 1, 2014, *and before January 1, 2017*, 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 either surrendered without consideration or sold to local law enforcement in a gun buyback program during the taxable year, not to exceed ~~\$5,000~~ *\$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 ~~\$10,000~~ per taxable year.

This bill would take effect immediately as a tax levy.

Vote: majority. Appropriation: no. Fiscal committee: 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, *and before January 1, 2017*, there shall be allowed
5 as a credit against the “net tax,” as defined in Section 17039, an
6 amount equal to the amount described in paragraph (2) for a
7 handgun, shotgun, rifle, or assault weapon in working condition
8 that is either surrendered without consideration or sold to local
9 law enforcement in a gun buyback program during the taxable
10 year, not to exceed ~~five~~ *one* thousand dollars ~~(\$5,000)~~ *(\$1,000)*
11 per taxable year.

12 (2) The amount of credit allowed under this section is as follows:

13 (A) ~~Five~~ *Two hundred fifty* dollars ~~(\$500)~~ *(\$250)* per handgun,
14 shotgun, or rifle that is in working condition.

15 (B) ~~One thousand dollars (\$1,000)~~ *Five hundred dollars (\$500)*
16 per assault weapon that is in working condition.

17 (b) The taxpayer shall keep a record of the type of handgun,
18 shotgun, rifle, or assault weapon surrendered or sold to local law
19 enforcement in a buyback program, the number surrendered or
20 sold, the name, address, and date of the buyback program or any
21 other information the Franchise Tax Board may prescribe by
22 regulation. This record shall be furnished to the Franchise Tax
23 Board upon request.

24 (c) In the case where the credit allowed by this section exceeds
25 the “net tax,” the excess may be carried over to reduce the “net
26 tax” in the succeeding two years if necessary, until the credit has
27 been exhausted.

28 (d) This credit shall be in lieu of any other credit or deduction
29 that the taxpayer may otherwise claim pursuant to this part with
30 respect to the surrender without consideration of a handgun,
31 shotgun, rifle, or assault weapon.

32 (e) (1) The Franchise Tax Board may promulgate rules and
33 regulations as necessary or appropriate to implement this section.

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

5 (f) *This section shall remain in effect only until December 1,*
6 *2017, and as of that date is repealed.*

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

9 ~~23683. (a) For each taxable year beginning on or after January~~
10 ~~1, 2014, there shall be allowed as a credit against the "tax," as~~
11 ~~defined in Section 23036, an amount equal to the monetary amount~~
12 ~~contributed during the taxable year by a taxpayer to a gun buyback~~
13 ~~program administered by local law enforcement, not to exceed ten~~
14 ~~thousand dollars (\$10,000) per taxable year.~~

15 ~~(b) The taxpayer shall keep a record of the monetary amount~~
16 ~~contributed, the date of contribution, and the name, address, and~~
17 ~~date of the buyback program, or any other information the~~
18 ~~Franchise Tax Board may prescribe by regulation. This record~~
19 ~~shall be furnished to the Franchise Tax Board upon request.~~

20 ~~(c) In the case where the credit allowed by this section exceeds~~
21 ~~the "tax," the excess may be carried over to reduce the "tax" in~~
22 ~~the succeeding two years if necessary, until the credit has been~~
23 ~~exhausted.~~

24 ~~(d) This credit shall be in lieu of any other credit or deduction~~
25 ~~that the taxpayer may otherwise claim pursuant to this part with~~
26 ~~respect to the monetary amount that is contributed.~~

27 ~~(e) (1) The Franchise Tax Board may 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 Tax~~
32 ~~Board pursuant to this section.~~

33 ~~SEC. 3.~~

34 ~~SEC. 2. This act provides for a tax levy within the meaning of~~
35 ~~Article IV of the Constitution and shall go into immediate effect.~~