

**ASSEMBLY BILL**

**No. 1399**

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**Introduced by Assembly Member Baker**

February 27, 2015

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An act to add and repeal Section 23692 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1399, as introduced, Baker. Corporation tax law: credits: domestic violence shelters.

The Corporation Tax Law allows various credits against the tax imposed by that law. Under existing law, the Office of Emergency Services is responsible for administering the Comprehensive Statewide Domestic Violence Program, which distributes grant awards to domestic violence shelter service providers and provides financial and technical assistance to local domestic violence centers in implementing specified services and requires priority for this assistance to be given to, among others, emergency shelters.

This bill would, for taxable years beginning on or after January 1, 2016, and before January 1, 2021, allow a credit against the tax imposed under that law for 50% of monetary contributions to a domestic violence shelter service provider or emergency shelter, as defined, eligible to receive a grant award or financial and technical assistance pursuant to that program. The bill would provide that the credit would not exceed \$200,000 per taxpayer, that the credit would be awarded on a first-come-first-serve basis, and that the credit would have an aggregate cap of \$50,000,000 for each calendar year. The bill would require the Franchise Tax Board and the Office of Emergency Services to administer the credit, as specified.

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 23692 is added to the Revenue and  
2 Taxation Code, to read:

3 23692. (a) For each taxable year beginning on or after January  
4 1, 2016, and before January 1, 2021, there shall be allowed as a  
5 credit against the “tax,” as defined in Section 23036, an amount  
6 equal to 50 percent of a monetary contribution made by a taxpayer  
7 to a domestic violence shelter service provider or emergency  
8 shelter.

9 (b) For the purposes of this section, the following definitions  
10 shall apply:

11 (1) “Domestic violence shelter service provider” shall have the  
12 same meaning as in Section 13823.15 of the Penal Code and  
13 eligible to receive a grant award pursuant to the program.

14 (2) “Emergency shelter” shall have the same meaning as in  
15 Section 13823.15 of the Penal Code and eligible for financial or  
16 technical assistance pursuant to the program.

17 (3) “Program” means the Comprehensive Statewide Domestic  
18 Violence Program described in Section 13823.15 of the Penal  
19 Code.

20 (c) The amount of the credit shall not exceed two hundred  
21 thousand dollars (\$200,000) per taxpayer, per taxable year.

22 (d) Upon application by the taxpayer to the Franchise Tax Board,  
23 the Franchise Tax Board shall certify a contribution meeting the  
24 requirements of this section pursuant to paragraph (1) of  
25 subdivision (i).

26 (e) In the case where the credit allowed by this section exceeds  
27 the “tax,” the excess may be carried over to reduce the “tax” in  
28 the following year, and succeeding five years, if necessary, until  
29 the credit is exhausted.

30 (f) This credit shall be in lieu of any other credit or deduction  
31 that the taxpayer may otherwise claim pursuant to this part with  
32 respect to a contribution described in subdivision (a).

33 (g) This credit shall be claimed on a timely filed original return.

1 (h) (1) The aggregate amount of credits allowed under this  
2 section shall not exceed fifty million dollars (\$50,000,000) for  
3 each calendar year.

4 (2) The allocation of credits shall be on a first-come-first-served  
5 basis.

6 (i) The Franchise Tax Board and the Office of Emergency  
7 Services shall administer this credit.

8 (1) The Franchise Tax Board shall perform all of the following:

9 (A) Adopt rules and regulations as necessary or appropriate to  
10 implement this credit.

11 (B) Establish application forms and procedures.

12 (C) Track credits claimed.

13 (D) Post aggregate totals of the credits claimed on the Internet  
14 Web site of the Franchise Tax Board.

15 (E) Determine when the aggregate total of credits reaches fifty  
16 million dollars (\$50,000,000) for a calendar year.

17 (F) Based on the list provided by the Office of Emergency  
18 Services pursuant to paragraph (2), certify that a contribution meets  
19 the requirements of this section.

20 (2) The Office of Emergency Services shall annually submit to  
21 the Franchise Tax Board a list of those domestic violence shelter  
22 service providers and emergency shelters eligible for a grant award  
23 or technical and financial assistance pursuant to the Comprehensive  
24 Statewide Domestic Violence Program described in Section  
25 13823.15 of the Penal Code.

26 (j) The Administrative Procedure Act (Chapter 3.5 (commencing  
27 with Section 11340) of Part 1 of Division 3 of Title 2 of the  
28 Government Code) shall not apply to the rules or regulations  
29 adopted pursuant to this section.

30 (k) This section shall remain in effect only until December 1,  
31 2021, and as of that date is repealed.

32 SEC. 2. It is the intent of the Legislature to make the findings  
33 required by Section 41 of the Revenue and Taxation Code.

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