

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 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. Income taxes: credits: gun buybacks.

The Personal Income Tax Law and the Corporation Tax Law allow various credits against the taxes imposed by 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 *either* surrendered *without consideration* or sold to local law enforcement in a gun buyback program during the taxable year, not to exceed ~~\$1,000~~ \$5,000 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~~ \$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, there shall be allowed as a credit against the “net
 5 tax,” as defined in Section 17039, an amount equal to the amount
 6 described in paragraph (2) for a handgun, shotgun, rifle, or assault
 7 weapon in working condition that is *either* surrendered *without*
 8 *consideration* or sold to local law enforcement in a gun buyback
 9 program during the taxable year, not to exceed ~~one~~ *five* thousand
 10 dollars ~~(\$1,000)~~ *(\$5,000)* per taxable year.
 11 (2) The amount of credit allowed under this section is as follows:
 12 (A) Five hundred dollars (\$500) per handgun, shotgun, or rifle
 13 that is in working condition.
 14 (B) One thousand dollars (\$1,000) per assault weapon that is in
 15 working 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) *This credit shall be in lieu of any other credit or deduction*
 28 *that the taxpayer may otherwise claim pursuant to this part with*
 29 *respect to the surrender without consideration of a handgun,*
 30 *shotgun, rifle, or assault weapon.*
 31 ~~(e)~~
 32 (e) (1) The Franchise Tax Board ~~shall~~ *may* promulgate rules
 33 and regulations as necessary or appropriate to implement this
 34 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 SEC. 2. Section 23683 is added to the Revenue and Taxation
6 Code, to read:

7 23683. (a) For each taxable year beginning on or after January
8 1, 2014, there shall be allowed as a credit against the “tax,” as
9 defined in Section 23036, an amount equal to the monetary amount
10 contributed during the taxable year by a taxpayer to a gun buyback
11 program administered by local law enforcement, not to exceed ~~one~~
12 *ten thousand dollars* ~~(\$1,000)~~ *(\$10,000)* per taxable year.

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

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

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

25 ~~(d)~~

26 (e) (1) The Franchise Tax Board ~~shall~~ *may* promulgate rules
27 and regulations as necessary or appropriate to implement this
28 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. This act provides for a tax levy within the meaning of
34 Article IV of the Constitution and shall go into immediate effect.