

SENATE BILL 349

Q3

6lr2498
CF HB 560

By: Senator Edwards

Introduced and read first time: January 28, 2016

Assigned to: Budget and Taxation

Committee Report: Favorable

Senate action: Adopted

Read second time: February 23, 2016

Returned to second reading: February 25, 2016

Senate action: Adopted with floor amendments

Read second time: February 25, 2016

Returned to second reading: February 29, 2016

Senate action: Adopted with floor amendments

Read second time: February 29, 2016

CHAPTER _____

1 AN ACT concerning

2 **Maryland Income Tax Refunds – Allegany, Carroll, Cecil, ~~and Garrett~~ Garrett,**
3 **and Harford Counties – Warrant Intercept Program**4 FOR the purpose of altering the requirement for the Comptroller to withhold Maryland
5 income tax refunds of certain individuals with outstanding warrants to include
6 residents of Allegany, Carroll, Cecil, ~~and Garrett~~ Garrett, and Harford counties or
7 individuals who have outstanding warrants from Allegany, Carroll, Cecil, ~~and~~
8 ~~Garrett~~ Garrett, and Harford counties; making nonsubstantive changes to certain
9 termination provisions; making conforming changes; providing for a delayed
10 effective date for certain provisions of this Act; and generally relating to withholding
11 income tax refunds of individuals with outstanding warrants.12 BY repealing and reenacting, without amendments,
13 Article – Tax – General
14 Section 13–935 and 13–937 through 13–940
15 Annotated Code of Maryland
16 (2010 Replacement Volume and 2015 Supplement)

17 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

1 Article – Tax – General
2 Section 13–936
3 Annotated Code of Maryland
4 (2010 Replacement Volume and 2015 Supplement)

5 BY repealing and reenacting, with amendments,
6 Chapter 451 of the Acts of the General Assembly of 2012, as amended by Chapter
7 213 of the Acts of the General Assembly of 2013
8 Section 3

9 BY repealing and reenacting, with amendments,
10 Chapter 213 of the Acts of the General Assembly of 2013
11 Section 3

12 BY repealing and reenacting, with amendments,
13 Article – Tax – General
14 Section 13–936(a)
15 Annotated Code of Maryland
16 (2010 Replacement Volume and 2015 Supplement)
17 (As enacted by Section 1 of this Act)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That the Laws of Maryland read as follows:

20 **Article – Tax – General**

21 13–935.

22 (a) In this part the following words have the meanings indicated.

23 (b) “Refund” means an individual’s Maryland income tax refund.

24 (c) (1) “Warrant” means a criminal arrest warrant.

25 (2) “Warrant” includes a warrant issued for or that results from:

26 (i) a failure to appear before a court of the State;

27 (ii) a violation of the Maryland Vehicle Law that is punishable by a
28 term of confinement; or

29 (iii) a violation of probation.

30 (3) “Warrant” does not include a body attachment.

31 (d) “Warrant official” means an official of the federal, State, or local government
32 charged with serving a warrant.

1 13-936.

2 (a) This part applies only to individuals who:

3 (1) are residents of **ALLEGANY COUNTY**, Anne Arundel County,
4 Baltimore City, **CARROLL COUNTY**, **CECIL COUNTY**, **GARRETT COUNTY**, **HARFORD**
5 **COUNTY**, or Washington County; or

6 (2) have an outstanding warrant from **ALLEGANY COUNTY**, Anne
7 Arundel County, Baltimore City, **CARROLL COUNTY**, **CECIL COUNTY**, **GARRETT**
8 **COUNTY**, **HARFORD COUNTY**, or Washington County.

9 (b) This part does not apply to an individual:

10 (1) who is an active duty member of the armed forces of the United States;
11 or

12 (2) who files a joint Maryland income tax return.

13 13-937.

14 A warrant official may:

15 (1) certify to the Comptroller the existence of an outstanding warrant for
16 an individual who is a resident of Maryland or who receives income from Maryland; and

17 (2) request the Comptroller to withhold any refund to which the individual
18 is entitled.

19 13-938.

20 (a) A certification by a warrant official to the Comptroller shall include:

21 (1) the full name and address of the individual and any other names known
22 to be used by the individual;

23 (2) the Social Security number or federal tax identification number; and

24 (3) a statement that the warrant is outstanding.

25 (b) The Comptroller shall determine if an individual for whom a certification is
26 received is due a refund.

27 (c) As to any individual due a refund for whom a certification is received, the
28 Comptroller shall:

1 (1) withhold the individual's refund; and

2 (2) notify the individual of a certification by the warrant official of the
3 existence of an outstanding warrant.

4 (d) The Comptroller may not pay a refund until the warrant official notifies the
5 Comptroller that the warrant is no longer outstanding.

6 13-939.

7 The Comptroller shall withhold and pay any amount as provided in § 13-918 of this
8 subtitle before withholding any part of an income tax refund under § 13-938 of this part.

9 13-940.

10 On or before December 1 of each year, the Office of the Comptroller shall report to
11 the House Ways and Means Committee and the Senate Budget and Taxation Committee,
12 in accordance with § 2-1246 of the State Government Article, on the implementation of §§
13 13-935 through 13-939 of this part.

14 **Chapter 451 of the Acts of 2012, as amended by Chapter 213 of the Acts of 2013**

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2012. [Section 1 of this Act shall remain effective for a period of 6 years and, at
17 the end of September 30, 2018, with no further action required by the General Assembly,
18 Section 1 of this Act shall be abrogated and of no further force and effect.]

19 **Chapter 213 of the Acts of 2013**

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
21 1, 2013. [Section 1 of this Act shall remain effective until the taking effect of the
22 termination provision specified in Section 3 of Chapter 451 of the Acts of 2012. If that
23 termination provision takes effect, Section 1 of this Act shall be abrogated and of no further
24 force and effect.]

25 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
26 as follows:

27 **Article – Tax – General**

28 13-936.

29 (a) This part applies only to individuals who:

1 (1) are residents of Allegany County, [Anne Arundel County,] Baltimore
2 City, Carroll County, Cecil County, Garrett County, Harford County, or Washington
3 County; or

4 (2) have an outstanding warrant from Allegany County, [Anne Arundel
5 County,] Baltimore City, Carroll County, Cecil County, Garrett County, Harford County,
6 or Washington County.

7 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
8 effect October 1, 2018.

9 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
10 3 of this Act, this Act shall take effect October 1, 2016.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.