

SENATE BILL 488

Q3

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By: **Senators Peters, Elfreth, Guzzone, King, McCray, Serafini, and Zucker**

Introduced and read first time: January 29, 2020

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Income Tax – Subtraction Modification – Military and Public Safety Retirement**
3 **Income**

4 FOR the purpose of increasing the amount of a subtraction modification under the
5 Maryland income tax for certain military retirement income for individuals who are
6 at least a certain age; increasing the amount of a subtraction modification under the
7 Maryland income tax for certain retirement income attributable to a resident's
8 employment as a correctional officer, a law enforcement officer, or a fire, rescue, or
9 emergency services worker; altering a certain limitation on the amount of a
10 subtraction modification under the Maryland income tax for certain retirement
11 income attributable to a resident's employment as a correctional officer, a law
12 enforcement officer, or a fire, rescue, or emergency services worker; defining certain
13 terms; making conforming changes; providing for the application of this Act; and
14 generally relating to subtraction modifications under the Maryland income tax for
15 certain retirement income.

16 BY repealing and reenacting, without amendments,
17 Article – Tax – General
18 Section 10–207(a)
19 Annotated Code of Maryland
20 (2016 Replacement Volume and 2019 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Tax – General
23 Section 10–207(q) and 10–209
24 Annotated Code of Maryland
25 (2016 Replacement Volume and 2019 Supplement)

26 BY adding to
27 Article – Tax – General
28 Section 10–207(hh)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2016 Replacement Volume and 2019 Supplement)

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

5 **Article – Tax – General**

6 10–207.

7 (a) To the extent included in federal adjusted gross income, the amounts under
8 this section are subtracted from the federal adjusted gross income of a resident to determine
9 Maryland adjusted gross income.

10 (q) (1) (i) In this subsection the following words have the meanings
11 indicated.

12 (ii) “Military retirement income” means retirement income,
13 including death benefits, received as a result of military service.

14 (iii) “Military service” means:

15 1. induction into the armed forces of the United States for
16 training and service under the Selective Training and Service Act of 1940 or a subsequent
17 act of a similar nature;

18 2. membership in a reserve component of the armed forces of
19 the United States;

20 3. membership in an active component of the armed forces of
21 the United States;

22 4. membership in the Maryland National Guard; or

23 5. active duty with the commissioned corps of the Public
24 Health Service, the National Oceanic and Atmospheric Administration, or the Coast and
25 Geodetic Survey.

26 (2) The subtraction under subsection (a) of this section includes:

27 (i) if, on the last day of the taxable year, the individual is under the
28 age of 55 years, the first \$5,000 of military retirement income received by an individual
29 during the taxable year; and

30 (ii) if, on the last day of the taxable year, the individual is at least 55
31 years old, the first ~~[\$15,000]~~ **\$20,000** of military retirement income received by an
32 individual during the taxable year.

1 **(HH) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE**
2 **MEANINGS INDICATED.**

3 **(II) “CORRECTIONAL OFFICER” MEANS AN INDIVIDUAL WHO:**

4 **1. WAS EMPLOYED IN:**

5 **A. A STATE CORRECTIONAL FACILITY, AS DEFINED IN §**
6 **1–101 OF THE CORRECTIONAL SERVICES ARTICLE;**

7 **B. A LOCAL CORRECTIONAL FACILITY, AS DEFINED IN §**
8 **1–101 OF THE CORRECTIONAL SERVICES ARTICLE;**

9 **C. A JUVENILE FACILITY INCLUDED IN § 9–226 OF THE**
10 **HUMAN SERVICES ARTICLE; OR**

11 **D. A FACILITY OF THE UNITED STATES THAT IS**
12 **EQUIVALENT TO A STATE OR LOCAL CORRECTIONAL FACILITY OR A JUVENILE**
13 **FACILITY INCLUDED IN § 9–226 OF THE HUMAN SERVICES ARTICLE; AND**

14 **2. IS ELIGIBLE TO RECEIVE RETIREMENT INCOME**
15 **ATTRIBUTABLE TO THE INDIVIDUAL’S EMPLOYMENT UNDER ITEM 1 OF THIS**
16 **SUBPARAGRAPH.**

17 **(III) “EMERGENCY SERVICES PERSONNEL” MEANS EMERGENCY**
18 **MEDICAL TECHNICIANS OR PARAMEDICS.**

19 **(IV) “EMPLOYEE RETIREMENT SYSTEM” HAS THE MEANING**
20 **STATED UNDER § 10–209(A) OF THIS SUBTITLE.**

21 **(V) “PUBLIC SAFETY EMPLOYEE” MEANS AN INDIVIDUAL WHO**
22 **IS A RETIRED CORRECTIONAL OFFICER, LAW ENFORCEMENT OFFICER, OR FIRE,**
23 **RESCUE, OR EMERGENCY SERVICES WORKER OF THE UNITED STATES, THE STATE,**
24 **OR A POLITICAL SUBDIVISION OF THE STATE.**

25 **(2) THE SUBTRACTION UNDER SUBSECTION (A) OF THIS SECTION**
26 **INCLUDES THE FIRST \$20,000 OF INCOME FROM AN EMPLOYEE RETIREMENT**
27 **SYSTEM THAT IS ATTRIBUTABLE TO SERVICE AS A PUBLIC SAFETY EMPLOYEE, IF THE**
28 **INCOME IS RECEIVED BY AN INDIVIDUAL WHO IS AT LEAST 55 YEARS OLD ON THE**
29 **LAST DAY OF THE TAXABLE YEAR.**

30 10–209.

- 1 (a) **[(1)]** In this section [the following words have the meanings indicated.
- 2 (2) “Correctional officer” means an individual who:
- 3 (i) was employed in:
- 4 1. a State correctional facility, as defined in § 1–101 of the
5 Correctional Services Article;
- 6 2. a local correctional facility, as defined in § 1–101 of the
7 Correctional Services Article;
- 8 3. a juvenile facility included in § 9–226 of the Human
9 Services Article; or
- 10 4. a facility of the United States that is equivalent to a State
11 or local correctional facility or a juvenile facility included in § 9–226 of the Human Services
12 Article; and
- 13 (ii) is eligible to receive retirement income attributable to the
14 individual’s employment under item (i) of this paragraph.
- 15 (3) “Emergency services personnel” means emergency medical technicians
16 or paramedics.
- 17 (4) (i) “Employee”:
- 18 **(1)** “EMPLOYEE retirement system” means a plan:
- 19 **[1.] (I)** established and maintained by an employer for the
20 benefit of its employees; and
- 21 **[2.] (II)** qualified under § 401(a), § 403, or § 457(b) of the
22 Internal Revenue Code[.]; AND
- 23 **[(ii)] (2)** [“Employee] “EMPLOYEE retirement system” does not
24 include:
- 25 **[1.] (I)** an individual retirement account or annuity under
26 § 408 of the Internal Revenue Code;
- 27 **[2.] (II)** a Roth individual retirement account under § 408A
28 of the Internal Revenue Code;
- 29 **[3.] (III)** a rollover individual retirement account;

1 [4.] (IV) a simplified employee pension under Internal
2 Revenue Code § 408(k); or

3 [5.] (V) an ineligible deferred compensation plan under §
4 457(f) of the Internal Revenue Code.

5 (b) Subject to subsections (d) and (e) of this section, to determine Maryland
6 adjusted gross income, if, on the last day of the taxable year, a resident is at least 65 years
7 old or is totally disabled or the resident's spouse is totally disabled, [or the resident is at
8 least 55 years old and is a retired correctional officer, law enforcement officer, or fire,
9 rescue, or emergency services personnel of the United States, the State, or a political
10 subdivision of the State,] an amount is subtracted from federal adjusted gross income equal
11 to the lesser of:

12 (1) the cumulative or total annuity, pension, or endowment income from an
13 employee retirement system included in federal adjusted gross income; or

14 (2) the maximum annual benefit under the Social Security Act computed
15 under subsection (c) of this section, less any payment received as old age, survivors, or
16 disability benefits under the Social Security Act, the Railroad Retirement Act, or both.

17 (c) For purposes of subsection (b)(2) of this section, the Comptroller:

18 (1) shall determine the maximum annual benefit under the Social Security
19 Act allowed for an individual who retired at age 65 for the prior calendar year; and

20 (2) may allow the subtraction to the nearest \$100.

21 (d) (1) Military retirement income that is included in the subtraction under §
22 10-207(q) of this subtitle may not be taken into account for purposes of the subtraction
23 under this section.

24 (2) **PUBLIC SAFETY EMPLOYEE RETIREMENT INCOME THAT IS**
25 **INCLUDED IN THE SUBTRACTION UNDER § 10-207(HH) OF THIS SUBTITLE MAY NOT**
26 **BE TAKEN INTO ACCOUNT FOR PURPOSES OF THE SUBTRACTION UNDER THIS**
27 **SECTION.**

28 [(e) In the case of a retired correctional officer, law enforcement officer, or fire,
29 rescue, or emergency services personnel of the United States, the State, or a political
30 subdivision of the State, the amount included under subsection (b)(1) of this section is
31 limited to the first \$15,000 of retirement income that is attributable to the resident's
32 employment as a correctional officer, a law enforcement officer, or fire, rescue, or emergency
33 services personnel of the United States, the State, or a political subdivision of the State
34 unless:

35 (1) the resident is at least 65 years old or is totally disabled; or

1 (2) the resident's spouse is totally disabled.]

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
3 1, 2020, and shall be applicable to all taxable years beginning after December 31, 2019.