

SENATE BILL 729

Q3
SB 855/15 – B&T

6lr2058

By: **Senators Hershey, Eckardt, Mathias, and Norman**
Introduced and read first time: February 5, 2016
Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Income Tax Refunds – Eastern Shore Counties – Warrant Intercept**
3 **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 the Eastern Shore counties or individuals who have outstanding
7 warrants from an Eastern Shore county; making nonsubstantive changes to certain
8 termination provisions; making conforming changes; providing for a delayed
9 effective date for certain provisions of this Act; and generally relating to withholding
10 income tax refunds of individuals with outstanding warrants.

11 BY repealing and reenacting, without amendments,
12 Article – Tax – General
13 Section 13–935 and 13–937 through 13–940
14 Annotated Code of Maryland
15 (2010 Replacement Volume and 2015 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Tax – General
18 Section 13–936
19 Annotated Code of Maryland
20 (2010 Replacement Volume and 2015 Supplement)

21 BY repealing and reenacting, with amendments,
22 Chapter 451 of the Acts of the General Assembly of 2012, as amended by Chapter
23 213 of the Acts of the General Assembly of 2013
24 Section 3

25 BY repealing and reenacting, with amendments,
26 Chapter 213 of the Acts of the General Assembly of 2013
27 Section 3

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Tax – General
3 Section 13–936(a)
4 Annotated Code of Maryland
5 (2010 Replacement Volume and 2015 Supplement)
6 (As enacted by Section 1 of this Act)

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

9 **Article – Tax – General**

10 13–935.

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

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

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

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

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

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

18 (iii) a violation of probation.

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

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

22 13–936.

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

24 (1) are residents of:

25 (I) Anne Arundel County[.];

26 (II) Baltimore City[, or];

27 (III) CAROLINE COUNTY;

- 1 (IV) CECIL COUNTY;
- 2 (V) DORCHESTER COUNTY;
- 3 (VI) KENT COUNTY;
- 4 (VII) QUEEN ANNE’S COUNTY;
- 5 (VIII) SOMERSET COUNTY;
- 6 (IX) TALBOT COUNTY;
- 7 (X) Washington County; [or]
- 8 (XI) WICOMICO COUNTY; OR
- 9 (XII) WORCESTER COUNTY; OR

10 (2) have an outstanding warrant from [Anne Arundel County, Baltimore
 11 City, or Washington County] **ANY COUNTY SPECIFIED IN PARAGRAPH (1) OF THIS**
 12 **SUBSECTION.**

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

- 14 (1) who is an active duty member of the armed forces of the United States;
- 15 or
- 16 (2) who files a joint Maryland income tax return.

17 13–937.

18 A warrant official may:

- 19 (1) certify to the Comptroller the existence of an outstanding warrant for
 20 an individual who is a resident of Maryland or who receives income from Maryland; and
- 21 (2) request the Comptroller to withhold any refund to which the individual
 22 is entitled.

23 13–938.

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

- 25 (1) the full name and address of the individual and any other names known
 26 to be used by the individual;

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

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

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

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

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

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

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

12 13–939.

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

15 13–940.

16 On or before December 1 of each year, the Office of the Comptroller shall report to
17 the House Ways and Means Committee and the Senate Budget and Taxation Committee,
18 in accordance with § 2–1246 of the State Government Article, on the implementation of §§
19 13–935 through 13–939 of this part.

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

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

25 **Chapter 213 of the Acts of 2013**

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
27 1, 2013. [Section 1 of this Act shall remain effective until the taking effect of the
28 termination provision specified in Section 3 of Chapter 451 of the Acts of 2012. If that
29 termination provision takes effect, Section 1 of this Act shall be abrogated and of no further
30 force and effect.]

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

Article – Tax – General

13–936.

(a) This part applies only to individuals who:

(1) are residents of:

(i) [Anne Arundel County;

(ii)] Baltimore City;

[(iii)] (II) Caroline County;

[(iv)] (III) Cecil County;

[(v)] (IV) Dorchester County;

[(vi)] (V) Kent County;

[(vii)] (VI) Queen Anne’s County;

[(viii)] (VII) Somerset County;

[(ix)] (VIII) Talbot County;

[(x)] (IX) Washington County;

[(xi)] (X) Wicomico County; or

[(xii)] (XI) Worcester County; or

(2) have an outstanding warrant from any county specified in paragraph (1) of this subsection.

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

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