

REFERENCE TITLE: income tax exemption; murdered children

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2654

Introduced by
Representatives DeSimone: Campbell CH, Campbell CL, Clark, Crump, Farley,
Hershberger, Konopnicki, McGuire, Schapira, Thrasher, Tobin, Senator Rios

AN ACT

AMENDING SECTION 43-1023, ARIZONA REVISED STATUTES; RELATING TO INDIVIDUAL
INCOME TAX EXEMPTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 43-1023, Arizona Revised Statutes, is amended to
3 read:

4 43-1023. Exemptions for blind persons, persons over sixty-five
5 years of age and dependents

6 A. A taxpayer is allowed an exemption of one thousand five hundred
7 dollars:

8 1. For a taxpayer who is blind or if either the taxpayer's central
9 visual acuity does not exceed 20/200 in the better eye with correcting lenses
10 or the taxpayer's visual acuity is greater than 20/200 but is accompanied by
11 a limitation in the fields of vision such that the widest diameter of the
12 visual field subtends an angle no greater than twenty degrees.

13 2. For the taxpayer's spouse if a separate return is made by the
14 taxpayer, if the spouse is blind, as defined in paragraph 1 of this
15 subsection, has no Arizona adjusted gross income for the calendar year in
16 which the taxable year of the taxpayer begins and is not the dependent of
17 another taxpayer. For the purposes of this paragraph, the determination of
18 whether the spouse is blind shall be made at the close of the taxable year of
19 the taxpayer. If the spouse dies during such taxable year, the determination
20 shall be made as of the time of the spouse's death.

21 B. A taxpayer is allowed an exemption of two thousand three hundred
22 dollars for:

23 1. Each dependent of the taxpayer, as defined in section 43-1001, and
24 subject to the qualifications prescribed by section 151(c) of the internal
25 revenue code.

26 2. Each person age sixty-five or older regardless of the person's
27 relationship to the taxpayer:

28 (a) If the taxpayer pays more than one-fourth of the total cost of
29 maintaining such person in a nursing care institution or residential care
30 institution licensed pursuant to title 36, chapter 4, or an assisted living
31 facility provider of a type certified pursuant to title 11, chapter 2,
32 article 7, if such payments exceed eight hundred dollars in the taxable year.

33 (b) If the taxpayer otherwise makes payments exceeding eight hundred
34 dollars in the taxable year for home health care or other types of medical
35 care.

36 3. For taxable years beginning from and after December 31, 2003, each
37 birth for which a certificate of birth resulting in stillbirth has been
38 issued pursuant to section 36-330 if the child otherwise would have been a
39 member of the taxpayer's household. The taxpayer may claim the exemption
40 under this paragraph only in the taxable year in which the stillbirth
41 occurred.

42 4. A CHILD OF THE TAXPAYER WHO IS DETERMINED BY LAW ENFORCEMENT
43 AUTHORITIES TO HAVE BEEN THE VICTIM OF A HOMICIDE AS DEFINED IN SECTION
44 13-1101 THAT WAS COMMITTED BY SOMEONE OTHER THAN THE TAXPAYER IF ALL OF THE
45 FOLLOWING APPLY:

1 (a) FOR THE TAXABLE YEAR THAT INCLUDES THE DATE OF THE DEATH OF THE
2 CHILD, THE CHILD HAD LIVED IN THE TAXPAYER'S PRINCIPAL RESIDENCE FOR MORE
3 THAN ONE-HALF OF THE PORTION OF THE YEAR BEFORE THE DATE OF THE DEATH.

4 (b) THE CHILD WAS A QUALIFYING RELATIVE OF THE TAXPAYER FOR THE
5 PORTION OF THE TAXABLE YEAR BEFORE THE DATE OF THE DEATH.

6 (c) THE TAXABLE YEAR FOR WHICH AN EXEMPTION IS CLAIMED UNDER THIS
7 PARAGRAPH IS NOT MORE THAN FIVE TAXABLE YEARS AFTER THE TAXABLE YEAR IN WHICH
8 THE DEATH OF THE CHILD OCCURRED.

9 (d) THE TAXABLE YEAR FOR WHICH AN EXEMPTION IS CLAIMED UNDER THIS
10 PARAGRAPH IS NOT THE TAXABLE YEAR IN WHICH THE CHILD WOULD HAVE ATTAINED
11 EIGHTEEN YEARS OF AGE.

12 C. For taxable years beginning from and after December 31, 1998, a
13 resident taxpayer is allowed an exemption of ten thousand dollars for each
14 parent or ancestor of a parent of the taxpayer, who is age sixty-five or
15 older, who requires assistance with activities of daily living and who lives
16 in the taxpayer's principal residence for the entire taxable year, if the
17 taxpayer pays more than one-half of the person's total support and
18 maintenance costs. An exemption under this subsection is in lieu of an
19 exemption under subsection B of this section for the same person.

20 D. A taxpayer shall not take more than one exemption for the same
21 person under either subsection B or C of this section.

22 E. A taxpayer is allowed an exemption of two thousand one hundred
23 dollars:

24 1. If the taxpayer has attained the age of sixty-five before the close
25 of the taxable year filing a separate or joint return and the taxpayer is not
26 claimed as a dependent by another taxpayer.

27 2. For the taxpayer's spouse if the spouse has attained the age of
28 sixty-five before the close of the taxable year, a joint return is filed and
29 the spouse is not a dependent of another taxpayer.