

1 SB51
2 155639-1
3 By Senator Irons
4 RFD: Finance and Taxation Education
5 First Read: 14-JAN-14
6 PFD: 12/17/2013

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8 SYNOPSIS: Under existing law, individuals are required
9 to file an Alabama income tax return when their
10 adjusted gross income exceeds a certain amount
11 based on their filing status.

12 This bill would change the adjusted gross
13 income filing requirements from a set dollar amount
14 to an amount based on their filing status that is
15 greater than the sum of the standard deduction and
16 their personal exemption.

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18 A BILL
19 TO BE ENTITLED
20 AN ACT

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22 To amend Section 40-18-27 of the Code of Alabama
23 1975, relating to individual tax returns; to change the
24 adjusted gross income filing requirements.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Section 40-18-27 of the Code of Alabama
27 1975, is amended to read as follows:

1 "§40-18-27.

2 "~~(a) Effective for tax years beginning after~~
3 ~~December 31, 1997, every taxpayer having an adjusted gross~~
4 ~~income for the taxable year of more than one thousand eight~~
5 ~~hundred seventy-five dollars (\$1,875) if single or if married~~
6 ~~and not living with spouse, and of more than three thousand~~
7 ~~seven hundred fifty dollars (\$3,750) if married and living~~
8 ~~with spouse, shall each year file with the Department of~~
9 ~~Revenue a return stating specifically the items of gross~~
10 ~~income, the deductions and credits allowed by this chapter,~~
11 ~~the place of residence, and post office address. If a husband~~
12 ~~and wife living together have an adjusted gross income of more~~
13 ~~than three thousand seven hundred fifty dollars (\$3,750), each~~
14 ~~shall file a return unless the income of each is included in a~~
15 ~~single joint return. Effective for tax years beginning after~~
16 ~~December 31, 2006, every taxpayer if single, head of family,~~
17 ~~or if married and not living with spouse, having an adjusted~~
18 ~~gross income for a taxable year of more than the sum of the~~
19 ~~standard deduction and personal exemption for their filing~~
20 ~~status shall each year file with the Department of Revenue a~~
21 ~~return stating specifically the items of gross income, the~~
22 ~~deductions and credits allowed by this chapter, the place of~~
23 ~~residence, and post office address. If a husband and wife~~
24 ~~living together have an adjusted gross income of more than the~~
25 ~~sum of the standard deduction and personal exemption, each~~
26 ~~shall file a return unless the income of each is included in a~~
27 ~~single joint return. If the taxpayer is unable to file a~~

1 return, the return shall be filed by a duly authorized agent,
2 a guardian, or other person charged with the care of the
3 person or property of the taxpayer.

4 "(b) A taxpayer other than a resident shall not be
5 entitled to the deductions authorized by Sections 40-18-15 and
6 40-18-15.2 unless the taxpayer files a complete return showing
7 the gross income of the taxpayer both from within and outside
8 the state. Included on every income tax return shall be the
9 name, address, and Social Security number of the person who
10 prepared the return. The taxpayer shall be held liable for any
11 statement made by an agent of the taxpayer with reference to
12 any information required by law to be furnished in connection
13 with that tax return.

14 "(c) Returns filed on the basis of the calendar year
15 shall be filed on or before April 15 following the close of
16 the calendar year. Returns filed on the basis of a fiscal year
17 shall be filed on or before the fifteenth day of the fourth
18 month following the close of the fiscal year. The department
19 may grant a reasonable extension of time for filing returns,
20 under rules and regulations as it shall prescribe. Except in
21 the case of taxpayers who are abroad, no extension shall be
22 for more than six months. If the taxpayer has requested an
23 extension of time for the filing of a return, the period
24 during which the return will be considered timely filed shall
25 not expire until 10 days after the Department of Revenue mails
26 to the taxpayer a rejection of the request for an extension of
27 time for filing the return. The return must be signed or

1 otherwise validated by both the taxpayer(s) and, if
2 applicable, the tax return preparer under rules or regulations
3 of the Department of Revenue and must contain a printed
4 declaration that the return is filed under the penalties of
5 perjury.

6 "(d) Every individual who willfully files and signs
7 or otherwise validates under rules or regulations of the
8 Department of Revenue a return which the individual does not
9 believe to be true and correct as to every material particular
10 shall be guilty of perjury and, upon conviction thereof, shall
11 be imprisoned in the penitentiary for not less than one, nor
12 more than five years.

13 "(e) In the event a husband and wife file a joint
14 return, the husband and wife shall be jointly and severally
15 liable for the income tax shown on the return or as may be
16 determined by the Department of Revenue to be due by them to
17 the State of Alabama. Notwithstanding the foregoing, a husband
18 or wife shall be relieved of certain liabilities to the same
19 extent and in the same manner as allowed by Title 26 U.S.C. §§
20 6015(c), and 6015(f), as amended from time to time."

21 Section 2. The provisions of this act are severable.
22 If any part of this act is declared invalid or
23 unconstitutional, that declaration shall not affect the part
24 which remains.

25 Section 3. All laws or parts of laws which conflict
26 with this act are repealed.

1 Section 4. This act shall become effective on the
2 first day of the second month following its passage and
3 approval by the Governor, or its otherwise becoming law.