

ASSEMBLY, No. 2883

STATE OF NEW JERSEY

INTRODUCED MARCH 24, 1997

By Assemblywoman CRUZ-PEREZ, Assemblymen KELLY and Azzolina

1 **AN ACT** concerning gross income tax treatment of certain members
2 of the Armed Forces, amending N.J.S.54A:9-16.

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4 **BE IT ENACTED** by the *Senate and General Assembly of the State*
5 *of New Jersey*:

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7 1. N.J.S.54A:9-16 is amended to read as follows:

8 54A:9-16. Armed forces relief provisions. (a) Time to be
9 disregarded. In the case of an individual serving in the Armed Forces
10 of the United States, or serving in support of such armed forces, in an
11 area designated by the President of the United States by executive
12 order as a "combat zone" or by federal statute as a "qualified
13 hazardous duty area." at any time during the period designated by the
14 President by executive order or by federal statute as the period of
15 combatant activities in such zone or area, or hospitalized outside the
16 State as a result of injury received while serving in such an area during
17 such time, the period of service in such area, plus the period of
18 continuous hospitalization outside the State attributable to such injury,
19 and the next 180 days thereafter, shall be disregarded in determining,
20 under this act, in respect of the income tax liability (including any
21 interest, penalty, or addition to the tax) of such individual.

22 (1) Whether any of the following acts was performed within the
23 time prescribed therefor:

- 24 (A) Filing any return of income tax (except withholding tax);
25 (B) Payment of any income tax (except withholding tax) or any
26 installment thereof or of any other liability to the State, in respect
27 thereof;
28 (C) Filing a petition with the director for credit or refund or for
29 redetermination of a deficiency, or application for review of a decision
30 rendered by the director;
31 (D) Allowance of a credit or refund of income tax;
32 (E) Filing a claim for credit or refund of income tax;
33 (F) Assessment of income tax;

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 (G) Giving or making any notice or demand for the payment of any
2 income tax, or with respect to any liability to the State in respect of
3 income tax;

4 (H) Collection, by the director, by levy or otherwise of the amount
5 of any liability in respect of income tax;

6 (I) Bringing suit by the State, or any officer, on its behalf, in respect
7 of any liability in respect of income tax; and

(J) Any other act required or permitted under this act or specified in regulations prescribed under this section by the director.

10 (2) The amount of any credit or refund (including interest).

(b) Action taken before ascertainment of right to benefits. The assessment or collection of the tax imposed by this act or of any liability to the State in respect of such tax, or any action or proceeding by or on behalf of the State in connection therewith, may be made, taken, begun, or prosecuted in accordance with law, without regard to the provisions of subsection (a), unless prior to such assessment, collection, action, or proceeding it is ascertained that the person concerned is entitled to the benefits of subsection (a).

19 (c) Members of armed forces dying in action. In the case of any
20 person who dies during an induction period while in active service as
21 a member of the Armed Forces of the United States, if such death
22 occurred while serving in a combat zone or a qualified hazardous duty
23 area during a period of combatant activities in such zone or area, as
24 described in subsection (a), or as a result of wounds, disease or injury
25 incurred while so serving, the tax imposed by this act shall not apply
26 with respect to the taxable year in which falls the date of death, or
27 with respect to any prior taxable year ending on or after the first day
28 served in a combat zone, and no return shall be required in behalf of
29 such person or such person's estate for such year, and the tax of any
30 such taxable year which is unpaid at the date of death, including
31 interest, additions to tax and penalties, if any, shall not be assessed
32 and, if assessed, the assessment shall be abated and, if collected, shall
33 be refunded to the legal representative of the estate if one has been
34 appointed and has qualified, or, if no legal representative has been
35 appointed or has qualified, to the surviving spouse.

36 (cf: P.L.1985, c.515, s.16)

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38 2. This act effect immediately and apply to taxable years beginning
39 on or after January 1, 1996.

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STATEMENT

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44 This bill provides for a gross income tax filing extension for New
45 Jersey residents currently serving in Bosnia and Herzegovina, Croatia
46 and Macedonia. Federal statutes have defined this area as a "qualified

1 hazardous duty area ." Armed forces personnel in the area are afforded
2 certain tax benefits under federal law. However, the New Jersey gross
3 income tax automatic filing extension for military personnel on
4 missions only addresses service in "combat zones" as designated by the
5 President in an executive order. This bill will also address the new
6 designation of service under which Armed Forces personnel will be
7 allowed extensions.

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12 Provides gross income tax filing extension for certain Armed Forces
13 personnel.