

# PROPOSED AMENDMENT

## SB 213 # 1

### DIGEST

Deduction. Amends certain provisions regarding the income tax deduction for theft losses. Makes a conforming change.

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- 1       Page 1, line 1, delete "IC 6-3-2-30" and insert "IC 6-3-2-15.5".
- 2       Page 1, line 3, delete "30." and insert "**15.5.**".
- 3       Page 2, delete lines 16 through 25, begin a new paragraph and
- 4       insert:
- 5       **"(d) For purposes of this section, "theft loss" means the amount**
- 6       **that an individual:**
- 7               **(1) would have been permitted to deduct under Section 165(c)**
- 8               **of the Internal Revenue Code (as in effect on January 1, 2017)**
- 9               **as the result of a theft, reduced as provided under Section**
- 10              **168(h)(1) and Section 168(h)(2) of the Internal Revenue Code**
- 11              **(as in effect on January 1, 2017); and**
- 12              **(2) was not permitted to deduct in determining the**
- 13              **individual's federal adjusted gross income under Section 62 of**
- 14              **the Internal Revenue Code.**
- 15       **For an individual who is not a resident of Indiana, the theft loss**
- 16       **amount shall only be the portion of the loss derived from Indiana**
- 17       **sources and only if the income resulting from the theft would have**
- 18       **been included in the taxpayer's Indiana adjusted gross income."**
- 19       Page 3, between lines 17 and 18, begin a new line block indented
- 20       and insert:
- 21              **"(4) An application under this section must be filed on or**
- 22              **before the date of the last day that a refund for the taxable**
- 23              **year can be filed under IC 6-8.1-9-1. An application under this**
- 24              **section shall be treated as an approved extension of the period**
- 25              **for a refund claim that expires thirty (30) days after the**
- 26              **department's determination under this subsection, including**
- 27              **any protest and appeal. An extension under this subsection is**

- 1           **only for the amount of refund that results from a deduction**
- 2           **under this section."**

(Reference is to SB 213 as introduced.)