

PROPOSED AMENDMENT

SB 213 # 1

DIGEST

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

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.)