

House Bill 2872

Sponsored by Representative EVANS (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates credit against personal income tax for cost of criminal history record check required by state law for transfer of firearm. Creates subtraction from taxable income for mileage for travel associated with criminal history record check.

Applies to tax years beginning on or after January 1, 2021, and before January 1, 2027.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1 Relating to tax incentives for firearms safety; and prescribing an effective date.

2 **Be It Enacted by the People of the State of Oregon:**

3 **SECTION 1. The Legislative Assembly finds that it is valuable to encourage firearms**
4 **safety by providing income tax incentives for criminal history record checks.**

5 **SECTION 2. Section 3 of this 2021 Act is added to and made a part of ORS chapter 315.**

6 **SECTION 3. (1) A credit against taxes otherwise imposed under ORS chapter 316 shall**
7 **be allowed to a taxpayer for the cost of a criminal history record check, as described in ORS**
8 **166.412, that is required by the laws of this state for a transfer of a firearm. The amount**
9 **of the credit allowed under this section shall equal the lesser of the cost of the criminal**
10 **history record check or \$50.**

11 **(2) A taxpayer claiming the credit under this section must be either the transferor or**
12 **transferee of a firearm. Only one taxpayer may claim the credit under this section for each**
13 **criminal history record check.**

14 **(3) The credit allowed under this section for any one tax year may not exceed the tax**
15 **liability of the taxpayer.**

16 **(4) The credit shall be claimed on a form prescribed by the Department of Revenue that**
17 **contains the information required by the department.**

18 **(5) In the case of a credit allowed under this section:**

19 **(a) A nonresident shall be allowed the credit in the proportion provided in ORS 316.117.**

20 **(b) If a change in the status of the taxpayer from resident to nonresident or from non-**
21 **resident to resident occurs, the credit shall be determined in a manner consistent with ORS**
22 **316.117.**

23 **(c) If a change in the taxable year of the taxpayer occurs as described in ORS 314.085,**
24 **or if the department terminates the taxpayer's taxable year under ORS 314.440, the credit**
25 **shall be prorated or computed in a manner consistent with ORS 314.085.**

26 **SECTION 4. Section 5 of this 2021 Act is added to and made a part of ORS chapter 316.**

27 **SECTION 5. (1) In addition to the other modifications to federal taxable income contained**
28 **in this chapter, a taxpayer is allowed a subtraction for travel that is undertaken in the**
29 **taxpayer's motor vehicle to comply with requirements for a criminal history record check**
30

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 required by the laws of this state for a transfer of a firearm. A taxpayer who is a transferor
2 or transferee of a firearm may subtract from federal taxable income an amount equal to 56.5
3 cents per mile multiplied by the number of miles driven in order to participate in the crimi-
4 nal history record check.

5 (2) The subtraction allowed under this section shall be substantiated by any proof re-
6 quired by the Department of Revenue by rule.

7 SECTION 6. Sections 3 and 5 of this 2021 Act apply to tax years beginning on or after
8 January 1, 2021, and before January 1, 2027.

9 SECTION 7. This 2021 Act takes effect on the 91st day after the date on which the 2021
10 regular session of the Eighty-first Legislative Assembly adjourns sine die.

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