

# SENATE BILL 269

Q3

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CF HB 350

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By: **The President (By Request – Administration) and Senators Augustine, Bailey, Beidle, Carozza, Cassilly, Eckardt, Edwards, Elfreth, Gallion, Hershey, Jennings, Peters, Ready, Salling, Serafini, Simonaire, and West**

Introduced and read first time: January 20, 2020

Assigned to: Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Income Tax Subtraction Modification – Correctional Officers, Law Enforcement**  
3 **Officers, and Fire, Rescue, and Emergency Services Personnel**  
4 **(Hometown Heroes Act)**

5 FOR the purpose of altering the age at which a resident is eligible for a subtraction  
6 modification under the Maryland income tax for certain retirement income  
7 attributable to certain employment; increasing the amount of certain retirement  
8 income that is eligible for a certain subtraction modification under the Maryland  
9 income tax; providing for the application of this Act; and generally relating to a  
10 subtraction modification for certain retirement income.

11 BY repealing and reenacting, with amendments,  
12 Article – Tax – General  
13 Section 10–209  
14 Annotated Code of Maryland  
15 (2016 Replacement Volume and 2019 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
17 That the Laws of Maryland read as follows:

18 **Article – Tax – General**

19 10–209.

20 (a) (1) In this section the following words have the meanings indicated.

21 (2) “Correctional officer” means an individual who:

22 (i) was employed in:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                               1.       a State correctional facility, as defined in § 1–101 of the  
2 Correctional Services Article;

3                               2.       a local correctional facility, as defined in § 1–101 of the  
4 Correctional Services Article;

5                               3.       a juvenile facility included in § 9–226 of the Human  
6 Services Article; or

7                               4.       a facility of the United States that is equivalent to a State  
8 or local correctional facility or a juvenile facility included in § 9–226 of the Human Services  
9 Article; and

10                           (ii)    is eligible to receive retirement income attributable to the  
11 individual's employment under item (i) of this paragraph.

12                   (3)    “Emergency services personnel” means emergency medical technicians  
13 or paramedics.

14                   (4)    (i)    “Employee retirement system” means a plan:

15                               1.       established and maintained by an employer for the benefit  
16 of its employees; and

17                               2.       qualified under § 401(a), § 403, or § 457(b) of the Internal  
18 Revenue Code.

19                           (ii)   “Employee retirement system” does not include:

20                               1.       an individual retirement account or annuity under § 408  
21 of the Internal Revenue Code;

22                               2.       a Roth individual retirement account under § 408A of the  
23 Internal Revenue Code;

24                               3.       a rollover individual retirement account;

25                               4.       a simplified employee pension under Internal Revenue  
26 Code § 408(k); or

27                               5.       an ineligible deferred compensation plan under § 457(f) of  
28 the Internal Revenue Code.

29                   (b)    Subject to subsections (d) and (e) of this section, to determine Maryland  
30 adjusted gross income, if, on the last day of the taxable year, a resident is at least 65 years  
31 old or is totally disabled or the resident's spouse is totally disabled, or the resident is at

1 least **[55] 50** years old and is a retired correctional officer, law enforcement officer, or fire,  
2 rescue, or emergency services personnel of the United States, the State, or a political  
3 subdivision of the State, an amount is subtracted from federal adjusted gross income equal  
4 to the lesser of:

5 (1) the cumulative or total annuity, pension, or endowment income from an  
6 employee retirement system included in federal adjusted gross income; or

7 (2) the maximum annual benefit under the Social Security Act computed  
8 under subsection (c) of this section, less any payment received as old age, survivors, or  
9 disability benefits under the Social Security Act, the Railroad Retirement Act, or both.

10 (c) For purposes of subsection (b)(2) of this section, the Comptroller:

11 (1) shall determine the maximum annual benefit under the Social Security  
12 Act allowed for an individual who retired at age 65 for the prior calendar year; and

13 (2) may allow the subtraction to the nearest \$100.

14 (d) Military retirement income that is included in the subtraction under §  
15 10–207(q) of this subtitle may not be taken into account for purposes of the subtraction  
16 under this section.

17 (e) **(1) [In] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN** the case  
18 of a retired correctional officer, law enforcement officer, or fire, rescue, or emergency  
19 services personnel of the United States, the State, or a political subdivision of the State,  
20 the amount included under subsection (b)(1) of this section is limited to **[the first \$15,000**  
21 **of]** retirement income that is attributable to the resident's employment as a correctional  
22 officer, a law enforcement officer, or fire, rescue, or emergency services personnel of the  
23 United States, the State, or a political subdivision of the State unless:

24 **[(1)] (I)** the resident is at least 65 years old or is totally disabled; or

25 **[(2)] (II)** the resident's spouse is totally disabled.

26 **(2) THE AMOUNT INCLUDED UNDER SUBSECTION (B)(1) OF THIS**  
27 **SECTION MAY NOT EXCEED:**

28 **(I) FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31,**  
29 **2019, BUT BEFORE JANUARY 1, 2021, THE GREATER OF 50% OR THE FIRST \$15,000**  
30 **OF THE AMOUNT OF INCOME THAT IS ELIGIBLE UNDER PARAGRAPH (1) OF THIS**  
31 **SUBSECTION; AND**

32 **(II) FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31,**  
33 **2020, 100% OF THE AMOUNT OF INCOME THAT IS ELIGIBLE UNDER PARAGRAPH (1)**  
34 **OF THIS SUBSECTION.**

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
2   1, 2020.