

1 SB398
2 138803-1
3 By Senators Fielding, Brewbaker, Whatley, Ross, Figures,
4 Sanders, Sanford, Scofield, and Holtzclaw
5 RFD: Finance and Taxation Education
6 First Read: 15-MAR-12

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8 SYNOPSIS: This bill would allow the Department of
9 Revenue to provide additional relief mechanism, in
10 certain circumstances, to taxpayers who are jointly
11 and severally liable for income taxes.

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13 A BILL
14 TO BE ENTITLED
15 AN ACT

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17 To amend Section 40-18-27, Code of Alabama 1975,
18 relating to the relief of joint filers who are jointly and
19 severally liable for income taxes.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 40-18-27, Code of Alabama 1975,
22 is amended to read as follows:

23 "§40-18-27.

24 "(a) Effective for tax years beginning after
25 December 31, 1997, every taxpayer having an adjusted gross
26 income for the taxable year of more than one thousand eight
27 hundred seventy-five dollars (\$1,875) if single or if married

1 and not living with spouse, and of more than three thousand
2 seven hundred fifty dollars (\$3,750) if married and living
3 with spouse, shall each year file with the Department of
4 Revenue a return stating specifically the items of gross
5 income, the deductions and credits allowed by this chapter,
6 the place of residence, and post office address. If a husband
7 and wife living together have an adjusted gross income of more
8 than three thousand seven hundred fifty dollars (\$3,750), each
9 shall file a return unless the income of each is included in a
10 single joint return. If the taxpayer is unable to file a
11 return, the return shall be filed by a duly authorized agent,
12 a guardian, or other person charged with the care of the
13 person or property of the taxpayer.

14 "(b) A taxpayer other than a resident shall not be
15 entitled to the deductions authorized by Sections 40-18-15 and
16 40-18-15.2 unless the taxpayer files a complete return showing
17 the gross income of the taxpayer both from within and outside
18 the state. Included on every income tax return shall be the
19 name, address, and Social Security number of the person who
20 prepared the return. The taxpayer shall be held liable for any
21 statement made by an agent of the taxpayer with reference to
22 any information required by law to be furnished in connection
23 with that tax return.

24 "(c) Returns filed on the basis of the calendar year
25 shall be filed on or before April 15 following the close of
26 the calendar year. Returns filed on the basis of a fiscal year
27 shall be filed on or before the fifteenth day of the fourth

1 month following the close of the fiscal year. The department
2 may grant a reasonable extension of time for filing returns,
3 under rules and regulations as it shall prescribe. Except in
4 the case of taxpayers who are abroad, no extension shall be
5 for more than six months. If the taxpayer has requested an
6 extension of time for the filing of a return, the period
7 during which the return will be considered timely filed shall
8 not expire until 10 days after the Department of Revenue mails
9 to the taxpayer a rejection of the request for an extension of
10 time for filing the return. The return must be signed or
11 otherwise validated by both the taxpayer(s) and, if
12 applicable, the tax return preparer under rules or regulations
13 of the Department of Revenue and must contain a printed
14 declaration that the return is filed under the penalties of
15 perjury.

16 "(d) Every individual who willfully files and signs
17 or otherwise validates under rules or regulations of the
18 Department of Revenue a return which the individual does not
19 believe to be true and correct as to every material particular
20 shall be guilty of perjury and, upon conviction thereof, shall
21 be imprisoned in the penitentiary for not less than one, nor
22 more than five years.

23 "(e) In the event a husband and wife file a joint
24 return, the husband and wife shall be jointly and severally
25 liable for the income tax shown on the return or as may be
26 determined by the Department of Revenue to be due by them to
27 the State of Alabama. Notwithstanding the foregoing, ~~an~~

1 ~~innocent spouse~~ a husband or wife shall be relieved of certain
2 liabilities to the same extent and in the same manner as
3 ~~granted~~ allowed by ~~the Internal Revenue Code for federal~~
4 ~~income tax purposes~~ Title 26 U.S.C. §§ 6015(c), and 6015(f),
5 as amended from time to time."

6 Section 2. All laws or parts of laws which conflict
7 with this act are repealed.

8 Section 3. This act shall become effective upon its
9 passage and approval by the Governor, or its otherwise
10 becoming law.