

# SENATE, No. 717

## STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Senator DAWN MARIE ADDIEGO**

**District 8 (Atlantic, Burlington and Camden)**

**Senator TROY SINGLETON**

**District 7 (Burlington)**

**Co-Sponsored by:**

**Senators Corrado and Brown**

**SYNOPSIS**

Provides gross income tax deduction to certain surviving spouses of veterans.

**CURRENT VERSION OF TEXT**

As reported by the Senate Military and Veterans' Affairs Committee with technical review.



**(Sponsorship Updated As Of: 8/27/2020)**

1   **AN ACT** allowing certain surviving spouses of veterans a deduction  
2       against gross income and amending N.J.S.54A:3-1.

3

4       **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6

7       1. N.J.S.54A:3-1 is amended to read as follows:

8       54A:3-1. Personal exemptions and deductions. Each taxpayer  
9 shall be allowed personal exemptions and deductions against his  
10 gross income as follows:

11       (a) Taxpayer. Each taxpayer shall be allowed a personal  
12 exemption of \$1,000.00 which may be taken as a deduction from his  
13 New Jersey gross income.

14       (b) Additional exemptions. In addition to the personal  
15 exemptions allowed in (a), the following additional personal  
16 exemptions shall be allowed as a deduction from gross income:

17       1. For the taxpayer's spouse, or domestic partner as defined in  
18 section 3 of P.L.2003, c.246 (C.26:8A-3), who does not file  
19 separately - \$1,000.00.

20       2. For each dependent who qualifies as a dependent of the  
21 taxpayer during the taxable year for federal income tax purposes -  
22 \$1,500.00.

23       3. Taxpayer 65 years of age or over at the close of the taxable  
24 year - \$1,000.00.

25       4. Taxpayer's spouse 65 years of age or over at the close of the  
26 taxable year - \$1,000.00.

27       5. Blind or disabled taxpayer - \$1,000.00.

28       6. Blind or disabled spouse - \$1,000.00.

29       7. Taxpayer who is a veteran honorably discharged or released  
30 under honorable circumstances from active duty in the Armed  
31 Forces of the United States, a reserve component thereof, or the  
32 National Guard of New Jersey in a federal active duty status, as  
33 those terms are used in N.J.S.38A:1-1 - \$6,000.

34       8. (A) Taxpayer who is the surviving spouse of a qualifying  
35 veteran - \$3,000.

36       (B) For purposes of this paragraph:

37       "Qualifying veteran" means an individual who dies while on,  
38 was honorably discharged from, or was released under honorable  
39 circumstances from active duty in the Armed Forces of the United  
40 States, a reserve component thereof, or the National Guard of New  
41 Jersey in a federal active duty status, as those terms are used in  
42 N.J.S.38A:1-1.

43       "Surviving spouse" means the person to whom a qualifying  
44 veteran was married, or a domestic partner as defined in section 3  
45 of P.L.2003, c.246 (C.26:8A-3), on the date of the death of the  
46 qualifying veteran and:

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1     (i) who lived with the qualifying veteran continuously from the  
2     date of marriage to the date of the qualifying veteran's death, except  
3     where there was a separation that was due to the misconduct of, or  
4     caused by, the qualifying veteran without the fault of the spouse;  
5     and

6     (ii) except as provided in paragraph (C) of this subsection, has  
7     not remarried or has not since the death of the qualifying veteran  
8     lived with another person and held himself out openly to the public  
9     to be the spouse of that other person.

10    (C) A surviving spouse who remarries shall be eligible for the  
11    personal exemption allowed under this paragraph if the remarriage:

12    (i) was void;

13    (ii) has been annulled by a court having basic authority to render  
14    annulment decrees, unless the director determines that the  
15    annulment was obtained through fraud by either party or by  
16    collusion; or

17    (iii) occurred after the surviving spouse attained the age of 57.

18    (c) Special Rule. The personal exemptions allowed under this  
19    section shall be limited to that percentage which the total number of  
20    months within a taxpayer's taxable year under this act bears to 12.  
21    For this purpose 15 days or more shall constitute a month.

22    (d) (Deleted by amendment, P.L.1993, c.178).

23    (e) Nonresidents. For taxable years to which a certification  
24    pursuant to section 3 of P.L.1993, c.320 (C.54A:2-1.2) applies, a  
25    nonresident taxpayer shall be allowed the same deduction for  
26    personal exemptions as a resident taxpayer. However, if (1) the  
27    nonresident taxpayer's gross income which is subject to tax under  
28    this act is exceeded by (2) the gross income which the nonresident  
29    taxpayer would be required to report under this act if the taxpayer  
30    were a resident by more than \$100.00, the taxpayer's deduction for  
31    personal exemptions shall be limited by the percentage which (1) is  
32    to (2).

33    (cf: P.L.2016, c.57, s.8)

34  
35    2. This act shall take effect immediately and apply to taxable  
36    years beginning on or after January 1 next following the date of  
37    enactment.