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SENATE BILL 97

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Steve Komadina

AN ACT

RELATING TO TAXATION; PROVIDING AN INCOME TAX DEDUCTION FOR  
TAXPAYERS WHO PROVIDE A HOME SCHOOL FOR THEIR CHILDREN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Income Tax Act is enacted  
to read:

"[NEW MATERIAL] DEDUCTION--HOME SCHOOL.--

A. A resident who files an individual New Mexico  
income tax return and is not a dependent of another taxpayer  
may claim a deduction from net income for each child who is a  
dependent of the resident and who is:

(1) a school-age person who was registered  
with the state department of public education as attending a  
home school, as that term is defined in the Public School Code,  
during the school year that ended during the taxable year; and

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1 (2) claimed as a dependent on the resident's  
2 federal income tax return or, if the resident did not file a  
3 federal return, would have been entitled to be claimed as a  
4 dependent on the resident's federal return.

5 B. The amount of the deduction that may be claimed  
6 under this section is an amount equal to three thousand five  
7 hundred dollars (\$3,500) for each dependent qualified pursuant  
8 to Subsection A of this section who attended a home school for  
9 the entire school year ending in the taxable year. The amount  
10 of the deduction shall be one-half of that amount for a child  
11 who attended a home school for less than the entire school year  
12 but at least one-half of the school year ending during the  
13 taxable year. A deduction shall not be claimed for a child who  
14 attended a home school for less than one-half of the school  
15 year ending in the taxable year.

16 C. A husband and wife who file separate returns for  
17 the taxable year in which they could have filed a joint return  
18 may each claim only one-half of the deduction that would have  
19 been allowed on the joint return.

20 D. The secretary may adopt regulations or  
21 instructions to require reasonable documentation of home  
22 schooling.

23 E. As used in this section, "dependent" means  
24 "dependent" as defined in Section 152 of the Internal Revenue  
25 Code, but also includes any minor child or stepchild of the

1 resident who would be a dependent for federal income tax  
2 purposes if public assistance contributing to the support of  
3 the child or stepchild was considered to have been contributed  
4 by the resident. "

5 Section 2. APPLICABILITY. --The provisions of this act  
6 apply to taxable years beginning on or after January 1, 2003.

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