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HOUSE BILL 164

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Jose A. Campos

AN ACT

**RELATING TO TAXATION; ALLOWING FOR AN INCOME TAX DEDUCTION FOR
SURVIVOR BENEFITS FROM A PEACE OFFICER, A FIREFIGHTER OR A
MEMBER OF THE ARMED SERVICES OF THE UNITED STATES KILLED IN THE
LINE OF DUTY.**

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-- SURVIVOR BENEFITS. --

**A. A taxpayer may claim a deduction from net income
in an amount equal to the survivor benefits that are not
retirement benefits and are includable in base income that are
paid to the taxpayer or the taxpayer's dependent as the spouse
or dependent of a peace officer, a firefighter or a member of
the armed services of the United States who was killed in the**

underscoring material = new
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underscored material = new
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1 line of duty. A husband and wife who file separate returns for
2 a taxable year in which they could have filed a joint return
3 may each claim only one-half of the deduction provided by this
4 section that would have been allowed on the joint return.

5 B. For the purposes of this section:

6 (1) "peace officer" means any full-time
7 salaried and commissioned or certified law enforcement officer
8 of a police or sheriff's department or a conservation officer
9 of the department of game and fish as used in Chapter 17 NMSA
10 1978 that is part of or administered by the state or any
11 political subdivision of the state; and

12 (2) "firefighter" means any member of a fire
13 department that is part of or administered by the state or any
14 political subdivision of the state."

15 Section 2. APPLICABILITY. -- The provisions of this act
16 apply to tax years beginning on or after January 1, 2006.