

By: Representative Roberson

To: Ways and Means

HOUSE BILL NO. 262

1 AN ACT TO AMEND SECTION 27-7-22.32, MISSISSIPPI CODE OF 1972,
 2 WHICH AUTHORIZES AN INCOME TAX CREDIT FOR EXPENSES INCURRED FOR
 3 THE ADOPTION OF A CHILD, TO EXTEND THE DATE OF THE REVERTER ON THE
 4 PROVISION OF LAW THAT INCREASES THE MAXIMUM AMOUNT OF THE TAX
 5 CREDIT FROM \$2,500.00 TO \$5,000.00 PER CHILD AND THE PROVISION
 6 THAT AUTHORIZES AN INCOME TAX CREDIT FOR A CHILD ADOPTED THROUGH
 7 THE MISSISSIPPI DEPARTMENT OF CHILD PROTECTION SERVICES; AND FOR
 8 RELATED PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 **SECTION 1.** Section 27-7-22.32, Mississippi Code of 1972, is
 11 amended as follows:

12 **[Through December 31, * * * 2026, this section shall read as**
 13 **follows:]**

14 27-7-22.32. (1) (a) There shall be allowed as a credit
 15 against the tax imposed by this chapter the amount of the
 16 qualified adoption expenses paid or incurred, not to exceed Two
 17 Thousand Five Hundred Dollars (\$2,500.00), for each dependent
 18 child legally adopted by a taxpayer under the laws of this state
 19 during calendar year 2006 or during any calendar year thereafter
 20 through calendar year 2017, and not to exceed Five Thousand
 21 Dollars (\$5,000.00) for each dependent child legally adopted by a



22 taxpayer under the laws of this state during any calendar year
23 thereafter. A taxpayer claiming a credit under this paragraph (a)
24 may not claim a credit under paragraph (b) of this subsection for
25 the adoption of the same child.

26 (b) There shall be allowed as a credit against the tax
27 imposed by this chapter the amount of Five Thousand Dollars
28 (\$5,000.00) for each dependent child legally adopted by a taxpayer
29 under the laws of this state through the Mississippi Department of
30 Child Protection Services during calendar year 2018 or during any
31 calendar year thereafter. A taxpayer claiming a credit under this
32 paragraph (b) may not claim a credit under paragraph (a) of this
33 subsection for the adoption of the same child.

34 (2) The tax credit under this section may be claimed for the
35 taxable year in which the adoption becomes final under the laws of
36 this state. Any tax credit claimed under this section but not
37 used in any taxable year may be carried forward for the five (5)
38 succeeding tax years. A tax credit is allowed under this section
39 for any child for which an exemption is claimed during the same
40 taxable year under Section 27-7-21(e). For the purposes of this
41 section, the term "qualified adoption expenses" means and has the
42 same definition as that term has in 26 USCS * * * 23.

43 **[From and after January 1, * * * 2027, this section shall**
44 **read as follows:]**

45 27-7-22.32. There shall be allowed as a credit against the
46 tax imposed by this chapter the amount of the qualified adoption



47 expenses paid or incurred, not to exceed Two Thousand Five Hundred
48 Dollars (\$2,500.00), for each dependent child legally adopted by a
49 taxpayer under the laws of this state during calendar year 2006 or
50 during any calendar year thereafter. The tax credit under this
51 section may be claimed for the taxable year in which the adoption
52 becomes final under the laws of this state. Any tax credit
53 claimed under this section but not used in any taxable year may be
54 carried forward for the three (3) succeeding tax years. A tax
55 credit is allowed under this section for any child for which an
56 exemption is claimed during the same taxable year under Section
57 27-7-21(e). For the purposes of this section, the term "qualified
58 adoption expenses" means and has the same definition as that term
59 has in 26 USCS * * * 23.

60 **SECTION 2.** This act shall take effect and be in force from
61 and after July 1, 2023.

