

CHAPTER 103
FORMERLY
HOUSE BILL NO. 217

AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO TAX ADMINISTRATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 368, Title 30 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follow:

§ 368. Secrecy of returns and information; penalty.

(c) For purposes of this section, the term "officer or employee" shall include present and former officers and employees, and any person or persons employed or retained by the State on an independent contractor basis, or any subcontractors thereof. The term "return" or "report" shall include reports of the Internal Revenue Service or other competent federal authority containing tax return information.

Section 2. Amend Subchapter IV, Chapter 3, Title 30 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 369. Required employee background checks.

(a) All prospective employees, contractors, and any subcontractors thereof, of the Department who will have access to federal tax information shall obtain a background check as provided in subsection (c) in order to be considered for employment to ensure compliance by the Department with Section 6103(p)(4) of the Internal Revenue Code of 1986 (26 U.S.C. § 6103(p)(4)) and IRS Publication 1075 and any successor statutory provisions or IRS publications.

(b) All current employees, contractors, and any subcontractors thereof, of the Department who have access to federal tax information shall be required to submit to subsequent background checks as provided in subsection (c) not less frequently than once every ten years to ensure compliance by the Department with IRS Publication 1075.

(c) A person required to obtain a background check under this chapter shall submit fingerprints and other necessary information to the State Bureau of Identification in order to obtain all of the following:

(1) A report of the person's entire criminal history record from the State Bureau of Identification or a statement that the State Bureau of Identification Central Repository contains no such information relating to that person.

(2) A report of the person's entire federal criminal history record from the Federal Bureau of Investigation pursuant to Federal Bureau of Investigation appropriation of Title II of Public Law 92-544 (28 U.S.C. § 534) or a statement that the Federal Bureau of Investigation's records contain no such information relating to that person.

(d) The State Bureau of Identification shall be the intermediary for the purpose of subsection (c) of this section and shall forward all information required by subsections (a) and (b) of this section to the Department.

(e) The Department may adopt such standards for screening the background checks required by this section as the Department shall determine appropriate.

Section 3. Amend Section 513, Title 30 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 513. General requirements concerning returns; records and statements.

(a) The Director may prescribe rules or regulations with respect to the keeping of records, and may prescribe the content and form of returns and statements and the filing of copies of federal returns and determinations. The Director may require any person, by regulation or notice served on such person, to make such returns, render such statements or keep such records as the Director may deem sufficient to show whether or not such person is liable under this title or Title 4 for the payment of any tax or for the collection of any tax. The Director may permit or require the filing of returns by electronic means ~~and permit or require the filing or by~~ magnetic media and, in either case, may specify the form and content of such filing.

Section 4. Amend Section 534, Title 30 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 534. Failure to file tax return or to pay tax.

(m) Any person who fails to file any return in the manner prescribed by law and required under authority of this title or Title 4 on or before the date prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause and not due to wilful neglect, shall be liable for a penalty of not more than \$50, in addition to any other amounts prescribed under this title that shall be assessed and collected by the Director.

Section 5. If any provision of this Act, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act and the application of this Act to any other person or circumstance shall not be affected.

Approved July 21, 2017