**South Carolina General Assembly**

119th Session, 2011-2012

**S. 140**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Campsen, Ryberg and Fair

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Introduced in the Senate on January 11, 2011

Currently residing in the Senate Committee on **Finance**

Summary: S.C. Capital Gains Tax Elimination Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/1/2010 Senate Prefiled

12/1/2010 Senate Referred to Committee on **Finance**

1/11/2011 Senate Introduced and read first time ([Senate Journal‑page 69](file:///h:\sj%20archive\2011\01-11-11.docx))

1/11/2011 Senate Referred to Committee on **Finance** ([Senate Journal‑page 69](file:///h:\sj%20archive\2011\01-11-11.docx))

**VERSIONS OF THIS BILL**

[12/1/2010](file:///p:\pprever\2011-12\140_20101201.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA CAPITAL GAINS TAX ELIMINATION ACT” BY AMENDING SECTION 12‑6‑1150, AS AMENDED, RELATING TO THE DEDUCTION ALLOWED FOR A PORTION OF NET CAPITAL GAINS INCLUDED IN THE OTHERWISE TAXABLE INCOME OF INDIVIDUALS, ESTATES, AND TRUSTS, SO AS TO INCREASE THE DEDUCTION ALLOWED FROM FORTY‑FOUR PERCENT TO ONE HUNDRED PERCENT OF THE NET CAPITAL GAIN AND TO PHASE IN THIS INCREASE OVER TEN YEARS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act may be cited as the “South Carolina Capital Gains Tax Elimination Act”.

SECTION 2. Section 12‑6‑1150 of the 1976 Code, as last amended by Act 387 of 2000, is further amended to read:

“Section 12‑6‑1150. (A) Individuals, estates, and trusts are allowed a deduction from South Carolina taxable income equal to ~~forty‑four percent~~ a percentage of net capital gain recognized in this State during a taxable year as provided in subsection (C) of this section. In the case of estates and trusts, the deduction is applicable only to income taxed to the estate or trust or individual beneficiaries and not income passed through to nonindividual beneficiaries.

(B)(1) South Carolina income includes capital gains and losses from partnerships and ‘S’ Corporations.

(2) Net capital gain is as defined in Internal Revenue Code, Section 1222 and related sections.

(C) The deduction allowed pursuant to this section is as follows:

Taxable years beginning in: Net Capital Gain Percentage

deduction allowed

2011 49.6

2012 55.2

2013 60.8

2014 66.4

2015 72.0

2016 77.6

2017 83.2

2018 88.8

2019 94.4

2020 and after 100”

SECTION 3. This act takes effect upon approval by the Governor and applies for taxable years beginning after 2010.

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