

1 AN ACT concerning revenue.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Income Tax Act is amended by
5 changing Section 205 as follows:

6 (35 ILCS 5/205) (from Ch. 120, par. 2-205)

7 Sec. 205. Exempt organizations.

8 (a) Charitable, etc. organizations. For tax years
9 beginning before January 1, 2019, the ~~The~~ base income of an
10 organization which is exempt from the federal income tax by
11 reason of the Internal Revenue Code shall not be determined
12 under section 203 of this Act, but shall be its unrelated
13 business taxable income as determined under section 512 of the
14 Internal Revenue Code, without any deduction for the tax
15 imposed by this Act. The standard exemption provided by section
16 204 of this Act shall not be allowed in determining the net
17 income of an organization to which this subsection applies.

18 For tax years beginning on or after January 1, 2019, the
19 base income of an organization which is exempt from the federal
20 income tax by reason of the Internal Revenue Code shall not be
21 determined under Section 203 of this Act, but shall be its
22 unrelated business taxable income as determined under Section
23 512 of the Internal Revenue Code, without regard to Section

1 512(a)(7) of the Internal Revenue Code and without any
2 deduction for the tax imposed by this Act. The standard
3 exemption provided by Section 204 of this Act shall not be
4 allowed in determining the net income of an organization to
5 which this subsection applies. This exclusion is exempt from
6 the provisions of Section 250.

7 (b) Partnerships. A partnership as such shall not be
8 subject to the tax imposed by subsection 201 (a) and (b) of
9 this Act, but shall be subject to the replacement tax imposed
10 by subsection 201 (c) and (d) of this Act and shall compute its
11 base income as described in subsection (d) of Section 203 of
12 this Act. For taxable years ending on or after December 31,
13 2004, an investment partnership, as defined in Section
14 1501(a)(11.5) of this Act, shall not be subject to the tax
15 imposed by subsections (c) and (d) of Section 201 of this Act.
16 A partnership shall file such returns and other information at
17 such time and in such manner as may be required under Article 5
18 of this Act. The partners in a partnership shall be liable for
19 the replacement tax imposed by subsection 201 (c) and (d) of
20 this Act on such partnership, to the extent such tax is not
21 paid by the partnership, as provided under the laws of Illinois
22 governing the liability of partners for the obligations of a
23 partnership. Persons carrying on business as partners shall be
24 liable for the tax imposed by subsection 201 (a) and (b) of
25 this Act only in their separate or individual capacities.

26 (c) Subchapter S corporations. A Subchapter S corporation

1 shall not be subject to the tax imposed by subsection 201 (a)
2 and (b) of this Act but shall be subject to the replacement tax
3 imposed by subsection 201 (c) and (d) of this Act and shall
4 file such returns and other information at such time and in
5 such manner as may be required under Article 5 of this Act.

6 (d) Combat zone, terrorist attack, and certain other
7 deaths. An individual relieved from the federal income tax for
8 any taxable year by reason of section 692 of the Internal
9 Revenue Code shall not be subject to the tax imposed by this
10 Act for such taxable year.

11 (e) Certain trusts. A common trust fund described in
12 Section 584 of the Internal Revenue Code, and any other trust
13 to the extent that the grantor is treated as the owner thereof
14 under sections 671 through 678 of the Internal Revenue Code
15 shall not be subject to the tax imposed by this Act.

16 (f) Certain business activities. A person not otherwise
17 subject to the tax imposed by this Act shall not become subject
18 to the tax imposed by this Act by reason of:

19 (1) that person's ownership of tangible personal
20 property located at the premises of a printer in this State
21 with which the person has contracted for printing, or

22 (2) activities of the person's employees or agents
23 located solely at the premises of a printer and related to
24 quality control, distribution, or printing services
25 performed by a printer in the State with which the person
26 has contracted for printing.

1 (g) A nonprofit risk organization that holds a certificate
2 of authority under Article VIID of the Illinois Insurance Code
3 is exempt from the tax imposed under this Act with respect to
4 its activities or operations in furtherance of the powers
5 conferred upon it under that Article VIID of the Illinois
6 Insurance Code.

7 (Source: P.A. 97-507, eff. 8-23-11.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.