

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2808

FISCAL
NOTE

By Delegate Steele

[Introduced January 19, 2023; Referred to the
Committee on the Judiciary then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §11-21-12n, relating to taxation of gambling and lottery winnings; providing
 3 those winnings are taxable income; allowing taxpayers to deduct certain losses incurred
 4 the same year; and providing for recordkeeping of those losses.

Be it enacted by the Legislature of West Virginia:

ARTICLE 21. PERSONAL INCOME TAX.

§11-21-12n. Taxation on gambling and lottery winnings.

1 Gains arising from gambling and lotteries are taxable as personal income. For the tax
 2 years beginning on or after January 1, 2024, when calculating gains, the taxpayer may deduct
 3 gambling and lottery losses up to the amount won for that year, but may not deduct the costs and
 4 expenses incurred in connection with the gambling and lottery activity. The taxpayer shall maintain
 5 detailed records substantiating losses if the taxpayer intends to deduct those losses. The taxpayer
 6 shall have the burden of proving any losses.

NOTE: The purpose of this bill is to allow gambling and lottery winnings to be written off against losses.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.