

CHAPTER 16. Subchapter I.

§ 1605. Returns.....205

§ 1605. Returns.

(a) Pass-through entities. --

(1) Returns. -- Every pass-through entity having any income from sources within this State shall make a return to this State for the taxable year setting forth the information required by § 6031 or § 6037 of the Internal Revenue Code [26 U.S.C. § 6031 or § 6037] and such other information as the Director may prescribe pursuant to § 513 of this title. Such return may, to the extent prescribed by the Director, require the separate statement of any item of the pass-through entity's income, gain, loss or deduction if the separate treatment of such item could affect the liability for tax under this title of any member.

(2) Copies to members. -- A pass-through entity required to file a return pursuant to paragraph (a)(1) of this section shall provide to each member a copy of such information shown on such return as the Director may prescribe pursuant to § 513 of this title.

(3) Time to file return. -- A return required to be filed pursuant to paragraph (a)(1) of this section shall be filed:

a. In the case of a pass-through entity classified as a partnership, on the thirtieth day of the fourth month following the end of such pass-through entity's taxable year; and

b. In the case of a pass-through entity classified as an S corporation, on the thirtieth day of the third month following the end of such pass-through entity's taxable year.

(b) Estates and trusts. --

(1) An income tax return with respect to the tax imposed by Chapter 11 of this title shall be made to this State by:

a. Every resident estate or resident trust which:

1. Is required to file a federal income tax return for the taxable year or would be required to file a federal income tax return for the taxable year if the additions provided under § 1106 of this title were included in its federal gross income, and

2. Which has not distributed, or set aside for distribution, to nonresident beneficiaries its entire federal taxable income as modified by § 1106 of this title; and

b. Every nonresident estate or nonresident trust which:

1. Is required to file a federal income tax return for the

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taxable year or would be required to file a federal income tax return for the taxable year if the additions provided under § 1106 of this title were included in its federal gross income, and

2. Which has any income from sources within this State.

(2) Copies to members. -- An estate or trust required to file a return pursuant to paragraph (b)(1) of this section shall provide to each beneficiary of such estate or trust a copy of such information shown on such return as the Director may prescribe pursuant to § 513 of this title.

(3) Time to file return. -- A return required to be filed pursuant to paragraph (b)(1) of this section shall be filed on the thirtieth day of the fourth month following the end of the estate's or trust's taxable year.

72 Del. Laws, c. 467, § 1.