

Bases of State Income Taxation of Nongrantor Trusts

2025

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State	Citations	Top 2024 Rate	Trust Created by Will of Domiciliary/ Resident	Inter Vivos Trust Created by Domiciliary/ Resident	Trust Administered in State	Trust With Domiciliary/ Resident Trustee/ Fiduciary	Trust With Domiciliary/ Resident Beneficiary
Alabama revenue.alabama.gov	Ala. Code §§ 40-18-1(33), 40-18-5(1)(c); Ala. Admin. Code r. 810-3-29-.07(2)(b)-(c); Instructions to 2024 Ala. Form 41 at 2.	5.00% on taxable income over \$3,000	 ¹	 ¹		 ¹	 ¹
Alaska dor.alaska.gov	No income tax imposed.						
Arizona azdor.gov	Ariz. Rev. Stat. Ann. §§ 43-1301(5), 43-1311(B)(4); Instructions to 2024 Ariz. Form 141AZ at 1, 15.	2.5% on Arizona taxable income					
Arkansas dfa.arkansas.gov	Ark. Code Ann. §§ 26-51-201(b), 26-51-203(a); 2024 Ark. Indexed Tax Brackets.	3.90% on entire net income over \$100,000	 ²	 ²		 ²	
California ftb.ca.gov	Cal. Rev. & Tax. Code §§ 17041(a)(1), 17043(a), 17742(a); Cal. Const. art. XIII, § 36(f)(2); Instructions to 2024 Cal. Form 541 at 9, 12.	13.30% on taxable income over \$1 million					 ³

¹ Trust created by Alabama testator or trustor taxed as Resident Trust only if, for more than seven months during taxable year, trust has Alabama fiduciary or Alabama beneficiary to whom distributions currently may be made.












² Trust created by Arkansas testator or trustor taxed as Resident Trust only if trust has Arkansas trustee.

³ Other than beneficiary whose interest is contingent.

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Colorado cdor.colorado.gov	Colo. Rev. Stat. §§ 39-22-103(10), 39-22-104(1.7)(c); Instructions to 2024 Colo. Form 105 at 5, 8; 2024 Colo. Form 105 at 1.	4.25% on Colorado taxable income					
Connecticut portal.ct.gov/drs	Conn. Gen. Stat. §§ 12-700(a)(9)(E), 12-701(a)(4)(C)–(D); Conn. Agencies Regs. § 12-701(a)(4)-1(a)(3)–(4); Instructions to 2024 Form CT-1041 at 2; 2024 Form CT-1041 at 1.	6.99% on Connecticut taxable income		 ⁴			 ⁴
Delaware revenue.delaware.gov	Del. Code Ann. tit. 30, §§ 1102(a)(14), 1601(8); Instructions to 2024 Del. Form FID-TAX at 1–2; 2024 Del. Form FID-TAX at 2.	6.60% on Delaware taxable income over \$60,000	 ⁵	 ⁵		 ⁵	 ⁵
District of Columbia otr.cfo.dc.gov	D.C. Code §§ 47-1806.03(a)(11), 47-1809.01, 47-1809.02; Instructions to 2024 D.C. Form D-41 at 7, 8.	10.75% on taxable fiduciary income over \$1,000,000					
Florida floridarevenue.com	No income tax imposed.						

⁴ Trust created by Connecticut trustor taxed as Resident Trust only to extent trust has Connecticut noncontingent beneficiary.












⁵ Trust created by Delaware testator or trustor or having Delaware trustee taxed as Resident Trust only to extent trust has Delaware beneficiaries. Residences of future beneficiaries based on residences of existing beneficiaries.

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Georgia dor.georgia.gov	Ga. Code Ann. §§ 48-7-20(a.1)(1), (d), 48-7-22; Instructions to 2024 Ga. Form 501 at 8.	5.75% on Georgia taxable net income over \$7,000					 ⁶
Hawaii tax.hawaii.gov	Haw. Rev. Stat. §§ 235-1, 235-51(d), (f), 235-4.5(a); Haw. Code R. § 18-235-1.17; Instructions to 2024 Haw. Form N-40 at 1, 6, 10.	8.25% (7.25% for net capital gains) on taxable income over \$40,000			 ⁷	 ⁷	 ⁷
Idaho tax.idaho.gov	Idaho Code §§ 63-3015(2), 63-3024(2)(a), (3); Instructions to 2024 Idaho Form 66 at 10.	5.695% on Idaho taxable income over \$4,673	 ⁸	 ⁸	 ⁸	 ⁸	
Illinois tax.illinois.gov	35 Ill. Comp. Stat. 5/201(a), (b)(5.4), (c), (d), 5/1501(a)(20)(C)–(D); Ill. Admin. Code tit. 86, § 100.3020(a)(3)–(4); Instructions to 2024 Form IL-1041 at 6, 14; 2024 Form IL-1041 at 2.	6.45% on net income					
Indiana in.gov/dor	Ind. Code §§ 6-3-1-12(d), 6-3-2-1(a)(5); 45 Ind. Admin. Code 3.1-1-21(d); Instructions to 2024 Ind. Form IT-41 at 5, 8; 2024 Ind. Form IT-41 at 1.	3.05% on state taxable income					

⁶ Trustee generally taxed on income accumulated in trust for benefit of unborn or unascertained persons with contingent interests and income accumulated or held for future distribution under the terms of will or trust.

⁷ Resident trust (trust being administered in Hawaii or having Hawaii trustee) may exclude “intangible income” attributable to nonresident beneficiaries; nonresident trust taxed only if has Hawaii-source income and resident beneficiary.

⁸ Trust taxed as Resident Trust only if trust meets at least three of five specified factors: Idaho testator or trustor, Idaho law, Idaho real or tangible personal property, Idaho trustee, Idaho administration.

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Iowa revenue.iowa.gov	Iowa Code § 422.5(1); Iowa Admin. Code r. 701-700.3; Instructions to 2024 Iowa Form IA 1041 at 4.	5.70% on taxable income over \$31,050			 ⁹	 ⁹	
Kansas ksrevenue.gov	Kan. Stat. Ann. §§ 79-32,109(d), 79-32,110(a)(2) (B), (d); Instructions to 2024 Kan. Form K-41 at 2; 2024 Kan. Form K-41 at 4.	5.58% on Kansas taxable income over \$23,000	 ¹⁰	 ¹⁰	 ¹⁰		 ¹⁰
Kentucky revenue.ky.gov	Ky. Rev. Stat. Ann. §§ 141.020(2)(c), 141.030(1); 103 Ky. Admin. Regs. 19:010; Instructions to 2024 Ky. Form 741 at 2; 2024 Ky. Form 741 at 2.	4.00% on taxable income			 ¹¹		 ¹¹
Louisiana revenue.louisiana.gov	La. Stat. Ann. §§ 47:300.1, 47:300.10(3); Instructions to 2024 La. Form IT-541 at 1, 2, 4, 5.	4.25% on Louisiana taxable income over \$50,000			 ¹²		

⁹ Trust created by Iowa testator taxed as Resident Trust, otherwise trust taxed as Resident Trust based on facts such as Iowa trustee, Iowa office, and Iowa evidence of ownership of trust assets.

¹⁰ Trust created by Kansas testator or trustor taxed as Resident Trust only if trust has Kansas administration and, effective July 1, 2023, Kansas resident income beneficiary on last day of taxable year.

¹¹ Trust being administered in Kentucky taxed as Resident Trust only to extent trust has Kentucky beneficiaries.















¹² Trust created by non-Louisiana testator or by Louisiana or non-Louisiana trustor being administered in Louisiana taxed as Resident Trust in absence of governing law designation. Trust also taxed as Resident Trust if trust designates Louisiana law to govern.

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Maine maine.gov/revenue	Me. Rev. Stat. Ann. tit. 36, §§ 5102(4)(B)–(C), 5111(1-F), 5403(1)(A); Instructions to 2024 Form 1041ME at 1, 3.	7.15% on Maine taxable income over \$61,600					
Maryland marylandtaxes.gov	Md. Code Ann., Tax–Gen. §§ 10-101(g), (n), 10-102, 10-105(a)(1)(viii), 10-106; Instructions to 2024 Md. Form 504 at i, 1, 5, 6-7.	5.75% plus county tax between 2.25% and 3.20% on Maryland taxable income over \$250,000	¹³	¹³	¹³		¹³
Massachusetts mass.gov/org/massachusetts-department-of-revenue	Mass. Gen. Laws ch. 62, §§ 4, 10(a), (c); Mass Regs Code tit. 830, § 62.10.1(1)(a); Instructions to 2024 Mass. Form 2 at 2, 4, 9; 2024 Mass. Form 2 at 2.	5.00% on taxable income; after 50% deduction, 12% on long-term capital gains from sale of collectibles; 8.5% on short-term gains; 4% on taxable income over \$1 million	¹⁴	¹⁴		¹⁴	¹⁴
Michigan michigan.gov/taxes	Mich. Comp. Laws §§ 206.16, 206.18(1)(c), 206.51(1)(b); Instructions to 2024 MI-1041 at 2-3; 2024 MI-1041 at 1.	4.25% on taxable income		¹⁵			

¹³ Trust created by Maryland testator or trustor or being administered in Maryland taxed as Resident Trust. Deduction for nonresident beneficiaries probably of limited use because not allowed if not all remainder beneficiaries are nonresidents or if remainder beneficiaries are unborn, are unascertained, or have uncertain interests.

¹⁴ Trust created by Massachusetts testator or trustor taxed as Resident Trust only to extent trust has Massachusetts beneficiaries. Unfortunately, unborn and unascertained persons as well as persons with uncertain interests deemed to be residents. To be taxed as Resident Trust, trust created by Massachusetts trustor must also have Massachusetts trustee.

¹⁵ Trust created by Michigan trustor taxed as Resident Trust unless trust has no Michigan trustee, asset, or beneficiary.









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Minnesota revenue.state.mn.us	Minn. Stat. §§ 290.01 Subd. 7b, 290.06 Subd. 2c, Subd. 2d, 290.033; Instructions to 2024 Minn. Form M2 at 1, 20.	10.85% on I.R.C. § 1411(c) net investment income, with modification, in excess of \$1,000,000.	 ¹⁶	 ¹⁶	 ¹⁷		
Mississippi dor.ms.gov	Miss. Code Ann. § 27-7-5(1)(b)(ii); Instructions to 2024 Miss. Form 81-110 at 3, 11.	4.70% on Mississippi taxable income over \$10,000					
Missouri dor.mo.gov	Mo. Rev. Stat. §§ 143.011, 143.061, 143.331(2)–(3); Instructions to 2024 Form MO-1041 at 4, 11.	4.80% on Missouri taxable income over \$8,911	 ¹⁸	 ¹⁸			 ¹⁸
Montana mtrevenue.gov	Mont. Code Ann. § 15-30-2103(1)(d), (2); Mont. Admin. R. 42.30.101(16); Instructions to 2024 Mont. Form FID-3 at 1, 6, 17–18.	5.90% on Montana taxable income over \$20,500	 ¹⁹	 ¹⁹	 ¹⁹	 ¹⁹	 ¹⁹
Nebraska revenue.nebraska.gov	Neb. Rev. Stat. §§ 77-2714.01(6)(b)–(c), 77-2715.03(2)–(3), 77-2717(1)(a)(ii); Instructions to 2024 Neb. Form 1041N at 9.	5.84% on Nebraska taxable income over \$19,670					

¹⁶ Trust that became irrevocable or that was first administered in Minnesota after 1995.










¹⁷ Trust that became irrevocable or that was first administered in Minnesota before 1996.

¹⁸ Trust created by Missouri testator or trustor taxed as Resident Trust only if trust has Missouri income beneficiary on last day of taxable year.

¹⁹ To be Resident Trust, trust must have sufficient connection to Montana. Relevant factors include, but are not limited to, testator's or trustor's domicile, location where trust was created, location of trust property, beneficiaries' domicile, trustees' domicile, and location of administration.

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Nevada tax.nv.gov	No income tax imposed.						
New Hampshire revenue.nh.gov	No income tax imposed on nongrantor trusts.						
New Jersey state.nj.us/ treasury/taxation	N.J. Stat. Ann. §§ 54A:1-2(o)(2)–(3), 54A:2-1(b)(7); Instructions to 2024 Form NJ-1041 at 2, 27.	10.75% on New Jersey gross income over \$1,000,000	 ²⁰	 ²⁰			
New Mexico tax.newmexico.gov	N.M. Stat. Ann. § 7-2-7(B); Instructions to 2024 N.M. Form F1D-1 at 3, 9.	5.90% on New Mexico taxable income over \$210,000					
New York State tax.ny.gov	N.Y. Tax Law §§ 601(c)(1)(B)(vi)–(vii), 605(b)(3)(B)–(C); 20 N.Y. Comp. Codes R. & Regs. tit. 20, § 105.23(a)-(b); Instructions to 2024 N.Y. Form IT-205 at 2, 11.	10.90% on New York taxable income over \$25,000,000	 ²⁰	 ²⁰			
New York City tax.ny.gov	N.Y. Tax Law §§ 1304(a)(3)(A), 1304-B(a)(1)(ii), 1305(c); N.Y.C. Admin. Code §§ 11-1701(a)(3)(A), 11-1704.1, 11-1705(b)(3); Instructions to 2024 N.Y. Form IT-205 at 2, 21.	3.876% on New York City taxable income over \$50,000	 ²⁰	 ²⁰			










²⁰ Trust created by domiciliary testator or trustor taxed as Resident Trust unless trust has no trustee, asset, or source income in state and trustee files informational return. In New York State and New York City – but perhaps not in New Jersey – small amount of source income disqualifies trust for exemption.

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North Carolina ncdor.gov	N.C. Gen. Stat. §§ 105-153.7(a), 105-160.2; Instructions to 2024 N.C. Form D-407A at 1, 2; 2024 N.C. Form D-407 at 1.	4.50% on North Carolina taxable income					 ²¹
North Dakota tax.nd.gov	N.D. Cent. Code § 57-38-30.3(1)(e), (g); N.D. Admin. Code § 81-03-02.1-04(2); Instructions to 2024 N.D. Form 38 at 1, 2; 2024 N.D. Form 38 at 2.	2.50% on North Dakota taxable income over \$11,325			 ²²	 ²²	 ²²
Ohio tax.ohio.gov	Ohio Rev. Code Ann. §§ 5747.01(l)(3), 5747.02(A)(1), (A)(2), (A)(3)(b), (A)(5); Instructions to 2024 Ohio Form IT 1041 at 10,11.	3.50% on modified Ohio taxable income over \$100,000		 ²³			 ²³
Oklahoma oklahoma.gov/tax	Okla. Stat. tit. 68, §§ 2353(6), 2355(G),(C)(1)(f), 2355.1A; Okla. Admin. Code § 710:50-23-1(c); Instructions to 2024 Okla. Form 513 at 3,17.	4.75% on Oklahoma taxable income over \$81,000					

²¹ Trust not taxed as Resident Trust if trust has no North Carolina trustee and North Carolina beneficiary has not received income, has no right to demand it, and is uncertain ever to receive it (Kaestner, 588 U.S. 262 (2019)).

²² To be Resident Trust, trust must have sufficient nexus with North Dakota. Relevant contacts include, but are not limited to, residence or domicile of beneficiary or trustee, situs of assets, place of administration, and governing law.










²³ Trust created by Ohio trustor taxed as Resident Trust only if trust has Ohio beneficiary during all or part of taxable year entitled to, or at discretion of any person may receive, distribution from trust.

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Oregon oregon.gov/dor	Or. Rev. Stat. §§ 316.037, 316.282(1)(d); Or. Admin. R. 150-316-0400(3)-(5); Instructions to 2024 Or. Form 41 at 3; 2024 Or. Form 41 at 3.	9.90% on Oregon taxable income over \$125,000					
Pennsylvania revenue.pa.gov	72 P.S. §§ 7301(s), 7302; 61 Pa. Code § 101.1; Instructions to 2024 Form PA-41 at 5; 2024 Form PA-41 at 1.	3.07% on net Pennsylvania taxable income					
Rhode Island tax.ri.gov	R.I. Gen. Laws §§ 44-30-2.6(c)(3)(A)(II), (c)(3)(E), 44-30-5(c)(2)-(5); 280-RICR-20-55-7.7; Instructions to 2024 Form RI-1041 at 1-1; 2024 RI-1041 Tax Rate Schedules at 1.	5.99% on Rhode Island taxable income over \$9,850					
South Carolina dor.sc.gov	S.C. Code Ann. §§ 12-6-30(5), 12-6-510(B), 12-6-520; Instructions to 2024 Form SC1041 at 1, 3.	6.20% on South Carolina taxable income over \$17,330					
South Dakota dor.sd.gov	No income tax imposed.						
Tennessee tn.gov/revenue	Tenn. Code Ann. §§ 67-2-102(5), 67-2-110.	0.00% on income (interest and dividends only)					




²⁴ Trust created by Pennsylvania testator or trustor taxed as Resident Trust unless testator or trustor is no longer resident or is deceased and trust does not have resident trustee, Pennsylvania administration, Pennsylvania real property or tangible personal property, stock certificates, etc., in Pennsylvania, or Pennsylvania situs.

²⁵ Trust created by Rhode Island testator or trustor taxed as Resident Trust only to extent trust has Rhode Island beneficiaries. Residence of future beneficiaries based on residences of existing beneficiaries.

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Texas comptroller.texas.gov/taxes	No income tax imposed.						
Utah tax.utah.gov	Utah Code Ann. §§ 59-10-104(2)(b), 59-10-202(2)(b), 75-7-103(1)(i)(ii)–(iii); Instructions to 2024 UT Form TC-41 at 3, 6, 12, 25; 2024 UT Form TC-41 at 1.	4.55% on Utah taxable income	 ²⁶		 ²⁶		
Vermont tax.vermont.gov	Vt. Stat. Ann. tit 32, §§ 5811(11)(B), 5822(a)(5), (6), (b)(2); Instructions to 2024 Vt. Form FIT-161 at 2; 2024 Vt. Form FIT-161 at 2.	8.75% on taxable income over \$11,550					
Virginia tax.virginia.gov	Va. Code Ann. §§ 58.1-302, 58.1-320, 58.1-360; Instructions to 2024 Va. Form 770 at 1,10.	5.75% on Virginia taxable income over \$17,000					
Washington dor.wa.gov	Wash. Rev. Code §§ 82.87.010–82.87.150.	7.0% on long-term capital gains over \$270,000					
West Virginia tax.wv.gov	W. Va. Code §§ 11-21-4g, 11-21-7(c)(2)–(3); W. Va. Code R. §§ 110-21-4(4.1), 110-21-7(7.3); Instructions to 2024 W. Va. Form IT-141 at 1, 8.	5.12% on West Virginia taxable income over \$60,000					

²⁶ Trust created by Utah testator or trust being administered in Utah taxed as Resident Trust unless, for post-2003 trust, trust has Utah corporate trustee and meets other requirements.

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Wisconsin revenue.wi.gov	Wis. Stat. §§ 71.06(1q), (2e)(b), 71.125(1), 71.14(2), (3), (3m); Instructions to 2024 Wis. Form 2 at 2, 26.	7.65% on Wisconsin taxable income over \$315,311		 ²⁷	 ²⁸		
Wyoming revenue.wyo.gov	No income tax imposed.						

²⁷ Trust that became irrevocable after October 28, 1999, or that became irrevocable before October 29, 1999, but was first administered in Wisconsin after that date.

²⁸ Trust that became irrevocable and that was first administered in Wisconsin before October 29, 1999.

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