

BILL ANALYSIS

H.B. 1877
By: Murr
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There have been reports from interested parties that some independent executors of estates fail to provide a verified, full, and detailed inventory, appraisal, and list of claims to beneficiaries of the estate as required by law and instead file perjurious affidavits with the court in lieu of such documents. H.B. 1877 seeks to discourage this behavior by allowing a court to fine such an executor up to \$1,000 for such an act.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1877 amends the Estates Code to authorize a court, on its own motion or on motion of any person interested in an estate, to fine an independent executor of the estate, after the independent executor has been cited to answer at a time and place fixed in the notice, in an amount capped at \$1,000 if the court finds that the executor misrepresented in an affidavit in lieu of the inventory, appraisal, and list of claims filed by the executor that all appropriate beneficiaries received a verified, full, and detailed inventory and appraisal as required by state law. The bill makes the independent executor and the executor's sureties, if any, liable for any such fine and for all damages and costs sustained by the executor's misrepresentation. The bill authorizes the recovery of the fine, damages, and costs in any court of competent jurisdiction.

EFFECTIVE DATE

September 1, 2017.