

BILL ANALYSIS

H.B. 2207
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties assert that county clerks routinely receive wills for safekeeping and could benefit from clearer statutory guidance on how to handle these wills. H.B. 2207 seeks to provide this guidance.

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. 2207 amends the Estates Code to authorize an attorney, business entity, or other person in possession of a testator's will to deposit the will with the county clerk of the county of the testator's last known residence if the attorney, business entity, or other person is unable to maintain custody of the will and, after a diligent search, the attorney, business entity, or other person is not able to contact or locate the testator. The bill requires the attorney, business entity, or other person to provide to the county clerk at the time the will is deposited the name and last known address of the testator and, if the will names an executor, the name and last known address, if available, of each executor named in the will, including any alternate executors. The bill increases from \$5 to \$10 the fee whose payment is required for a county clerk to receive and keep a deposited will.

H.B. 2207 requires the wrapper of a will deposited by an attorney, business entity, or other person with the county clerk of the county of the testator's last known residence to be endorsed with "Will of," followed by the name and last known address of the testator and, if the will names an executor, the name and last known address, if available, of each executor named in the will, including any alternate executors. The bill removes language specifying the means by which the county clerk is required to provide certain notification to, as applicable, each person named on the endorsement of the will wrapper, the person named as executor, and the devisees named in the will. The bill requires the clerk of the court to handle a will delivered by the person who has custody of a testator's will on receiving notice of the testator's death in the same manner as that prescribed for a will deposited by a testator with the county clerk, other than the collection of a fee for deposit of a will with the county clerk.

H.B. 2207 requires the clerk of the court, on deposit of such a will that names an executor, to notify the person named as executor in the manner prescribed for the clerk to notify a person named as executor after inspecting a will and requires the clerk to deliver, on request, the will to

the person named as executor. The bill requires the county clerk to notify the devisees named in the will on the deposit of such a will if the will does not name an executor, the person named as executor in the will has died or fails to take the will before the 31st day after the date the clerk's notice is mailed to the person, or the notice mailed to the person named as executor is returned as undelivered. The bill requires the clerk of the court to deliver the will to any or all of the devisees so notified on request.

H.B. 2207 amends the Government Code and the Local Government Code to make conforming changes.

EFFECTIVE DATE

September 1, 2017.