

BILL ANALYSIS

Senate Research Center

S.B. 1860
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Jurisprudence
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As Filed

DIGEST

Currently, Section 58b, Probate Code, prevents attorneys who prepare wills from including themselves in the will as beneficiaries. It voids such bequests or devises unless the testator is related to the attorney or the attorney's heirs within the second degree by consanguinity or affinity. However, testators wishing to direct gifts to great-grandchildren or create multi-generational trusts for individuals who are related to the attorney may have their wishes declared void by Section 58b, Probate Code. S.B. 1860 allows flexibility for the prohibition against attorneys including themselves in wills which they prepare by limiting the application of Section 58b, Texas Probate Code.

PURPOSE

As proposed, S.B. 1860 limits the application of Section 58b, Texas Probate Code, regarding certain devises or bequests.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 58b, Texas Probate Code, to provide that this section does not apply to a devise or bequest made by the following relations of a testator: a spouse, a descendant in any degree, an ascendant in any degree, or a person who is related within the third, rather than second, degree by consanguinity or affinity.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Emergency clause.
Effective date: upon passage.