

## BILL ANALYSIS

Senate Research Center  
82R107 MTB-F

S.B. 543  
By: Hegar  
Jurisprudence  
2/28/2011  
As Filed

### AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 543 seeks to exempt the decedents of law enforcement officers, firefighters, emergency medical technicians, and other listed public safety officials who perish in the line of duty from court imposed probate fees that would otherwise be incurred by the decedent in the court's consideration of wills and estates. Current law offers this class of decedent no exemption from probate fees, which occur at a time when the deceased's income stream has ended.

As proposed, S.B. 543 amends current law relating to a probate fee exemption for estates of certain law enforcement officers, firefighters, and others killed in the line of duty.

### RULEMAKING AUTHORITY

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

### SECTION BY SECTION ANALYSIS

#### ARTICLE I. TEXAS PROBATE CODE

SECTION 1.01. Amends Chapter I, Texas Probate Court, by adding Section 11B to read as follows:

Sec. 11B. EXEMPTION FROM PROBATE FEES FOR ESTATES OF CERTAIN LAW ENFORCEMENT OFFICERS, FIREFIGHTERS, AND OTHERS. (a) Defines in this section, "eligible decedent," "line of duty," and "personal injury."

(b) Prohibits the clerk of a court, notwithstanding any other law, from charging, or collecting from, the estate of an eligible decedent any of the following fees if the decedent died as a result of a personal injury sustained in the line of duty in the individual's position as described by Section 615.003 (Applicability), Government Code:

(1) a fee for or associated with the filing of the decedent's will for probate;  
and

(2) a fee for any service rendered by the court regarding the administration of the decedent's estate.

SECTION 1.02. Makes application of this Article prospective.

#### ARTICLE 2. ESTATES CODE

SECTION 2.01. Amends Subchapter B, Chapter 53, Estates Code, by adding Section 53.054 as follows:

Sec. 53.054. EXEMPTION FROM PROBATE FEES FOR ESTATES OF CERTAIN LAW ENFORCEMENT OFFICERS, FIREFIGHTERS, AND OTHERS. (a) Defines in this section, "eligible decedent," "line of duty," and "personal injury."

(b) Prohibits the clerk of a court, notwithstanding any other law, from charging, or collecting from, the estate of an eligible decedent any of the following fees if the decedent died as a result of a personal injury sustained in the line of duty in the individual's position as described by Section 615.003, Government Code:

(1) a fee for or associated with the filing of the decedent's will for probate;  
and

(2) a fee for any service rendered by the court regarding the administration of the decedent's estate.

SECTION 2.02. Repealer: Section 11B, Texas Probate Code, as added by Article 1 of this Act.

SECTION 2.03. Effective date, this Article: January 1, 2014.

#### ARTICLE. EFFECTIVE DATE

SECTION 3.01. Effective date, except as otherwise provided by this Act: September 1, 2011.