

SENATE BILL 391

N2

4lr2273
CF HB 228

By: **Senator Frosh**

Introduced and read first time: January 23, 2014

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts – Registers of Wills – Records**

3 FOR the purpose of providing that a register of wills may comply with certain
4 provisions of law by retaining certain files under certain circumstances;
5 requiring a register, in consultation with certain parties, to develop certain
6 standards; making stylistic changes; and generally relating to the registers of
7 wills.

8 BY repealing and reenacting, with amendments,
9 Article – Estates and Trusts
10 Section 2–209
11 Annotated Code of Maryland
12 (2011 Replacement Volume and 2013 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Estates and Trusts**

16 2–209.

17 **(A)** Any will, probated, or any paper filed in the office of the register may not
18 be delivered out of the office to any person.

19 **(B)** When a will or other paper is properly demanded for introduction in
20 evidence, it shall be presented under the care of the register or his deputy.

21 **(C) (1) THE REGISTER MAY COMPLY WITH SUBSECTION (A) OF THIS**
22 **SECTION BY:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(I) RETAINING A PERMANENT PAPER FILE OF A PROBATED**
2 **WILL IN THE OFFICE AND A COPY OF ANY OTHER FILE ASSOCIATED WITH THE**
3 **ESTATE IN PAPER, PHOTOGRAPHIC, MICROPROCESSED, MAGNETIC,**
4 **MECHANICAL, ELECTRONIC, DIGITAL, OR ANY OTHER MEDIUM IF THE COPY IS**
5 **MAINTAINED IN A MANNER THAT:**

6 **1. IS CLEAR AND LEGIBLE;**

7 **2. ACCURATELY REPRODUCES THE ORIGINAL**
8 **DOCUMENT IN ITS ENTIRETY, INCLUDING ANY ATTACHMENTS TO THE**
9 **DOCUMENT;**

10 **3. IS CAPABLE OF PRODUCING A CLEAR AND**
11 **LEGIBLE HARD COPY OF THE ORIGINAL DOCUMENT; AND**

12 **4. PRESERVES EVIDENCE OF ANY SIGNATURE**
13 **CONTAINED ON THE DOCUMENT; AND**

14 **(II) NO SOONER THAN 180 DAYS FOLLOWING THE CLOSING**
15 **OF AN ESTATE, RETURNING EACH OTHER FILE ASSOCIATED WITH THE ESTATE,**
16 **OTHER THAN THE WILL, TO THE PERSONAL REPRESENTATIVE OF THE ESTATE.**

17 **(2) IN CONSULTATION WITH THE COMPTROLLER AND THE STATE**
18 **ARCHIVES TO ENSURE UNIFORM APPLICATION THROUGHOUT THE STATE, THE**
19 **REGISTER SHALL DEVELOP STANDARDS IN ACCORDANCE WITH PARAGRAPH (1)**
20 **OF THIS SUBSECTION.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2014.