

SENATE BILL 212

N2

9lr1676

By: **Senator Lee**

Introduced and read first time: January 24, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts – Execution of Wills – Presence of Witnesses**

3 FOR the purpose of establishing that, for purposes of certain provisions of law governing
4 the execution of a will, a witness does not satisfy a certain requirement to be in the
5 presence of a testator if the witness is in a different physical location from the
6 testator and the testator can observe the witness only through electronic audio or
7 video or other technological means; making stylistic changes; providing for the
8 application of this Act; and generally relating to the execution of testamentary
9 documents.

10 BY repealing and reenacting, with amendments,
11 Article – Estates and Trusts
12 Section 4–102 and 4–104
13 Annotated Code of Maryland
14 (2017 Replacement Volume and 2018 Supplement)

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

17 **Article – Estates and Trusts**

18 4–102.

19 **(A)** Except as provided in §§ 4–103 and 4–104 of this subtitle, every will shall be:

20 (1) **[in] IN** writing~~[,]~~;

21 (2) **[signed] SIGNED** by the testator, or by some other person **[for him]**
22 **FOR THE TESTATOR**, in **[his] THE TESTATOR’S** presence and by **[his] THE TESTATOR’S**
23 express direction~~[,]~~; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) [attested] **ATTESTED** and signed by two or more credible witnesses in
2 the presence of the testator.

3 **(B) A WITNESS DOES NOT SATISFY THE REQUIREMENT UNDER SUBSECTION**
4 **(A)(3) OF THIS SECTION TO BE IN THE PRESENCE OF THE TESTATOR IF:**

5 **(1) THE WITNESS IS IN A DIFFERENT PHYSICAL LOCATION FROM THE**
6 **TESTATOR; AND**

7 **(2) THE TESTATOR CAN OBSERVE THE WITNESS ONLY THROUGH**
8 **ELECTRONIC AUDIO OR VIDEO OR OTHER TECHNOLOGICAL MEANS.**

9 4–104.

10 A will executed outside this State is properly executed if it is:

11 (1) In writing;

12 (2) Signed by the testator; and

13 (3) Executed in conformity with [the]:

14 **(I) THE provisions of § 4–102 of this subtitle[, or the];**

15 **(II) THE law of the domicile of the testator[.]; or [the]**

16 **(III) THE place where the will is executed.**

17 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall be construed to
18 apply only prospectively and may not be applied or interpreted to have any effect on or
19 application to any will executed before the effective date of this Act.

20 **SECTION 3. AND BE IT FURTHER ENACTED,** That this Act shall take effect
21 October 1, 2019.