

SENATE BILL 317

N2

9lr2383

By: **Senators Reilly, Bailey, Eckardt, Gallion, Hershey, and Salling**

Introduced and read first time: January 30, 2019

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 12, 2019

CHAPTER _____

1 AN ACT concerning

2 **Estates and Trusts – Share of Intestate Estate Inherited by Surviving Spouse**
3 ~~**(Chuck's Law)**~~

4 FOR the purpose of altering the share of the intestate estate of a decedent inherited by a
5 surviving spouse under certain circumstances; providing for the application of this
6 Act; and generally relating to intestate property inherited by a surviving spouse.

7 BY repealing and reenacting, with amendments,
8 Article – Estates and Trusts
9 Section 3–102
10 Annotated Code of Maryland
11 (2017 Replacement Volume and 2018 Supplement)

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

14 **Article – Estates and Trusts**

15 3–102.

16 (a) The share of a surviving spouse shall be as provided in this section.

17 (b) If there is a surviving minor child, the share shall be one-half.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (c) If there is no surviving minor child, but there is surviving issue, the share
2 shall be the first \$40,000 plus one-half of the residue.

3 (d) If there is no surviving issue but a surviving parent, **AND THE SURVIVING**
4 **SPOUSE AND THE DECEDENT HAD BEEN MARRIED FOR LESS THAN ~~10~~ 5 YEARS**, the
5 share shall be the first \$40,000 plus one-half of the residue.

6 **(E) IF THERE IS NO SURVIVING ISSUE BUT A SURVIVING PARENT, AND THE**
7 **SURVIVING SPOUSE AND THE DECEDENT HAD BEEN MARRIED FOR AT LEAST ~~10~~ 5**
8 **YEARS, THE SHARE SHALL BE THE WHOLE ESTATE.**

9 **[(e)] (F)** If there is no surviving issue or parent, the share shall be the whole
10 estate.

11 **[(f)] (G)** For the purposes of this section, the net estate shall be calculated
12 without a deduction for the tax as defined in § 7-308 of the Tax – General Article.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
14 apply only prospectively and may not be applied or interpreted to have any effect on or
15 application to any estate of a decedent who died before the effective date of this Act.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2019.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.