

# SENATE BILL 317

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9lr2383

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

Introduced and read first time: January 30, 2019

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

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.

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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