

Chapter 262

(Senate Bill 317)

AN ACT concerning

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

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

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

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

Article – Estates and Trusts

3–102.

- (a) The share of a surviving spouse shall be as provided in this section.
- (b) If there is a surviving minor child, the share shall be one-half.
- (c) If there is no surviving minor child, but there is surviving issue, the share shall be the first \$40,000 plus one-half of the residue.
- (d) If there is no surviving issue but a surviving parent, **AND THE SURVIVING SPOUSE AND THE DECEDENT HAD BEEN MARRIED FOR LESS THAN ~~10~~ 5 YEARS**, the share shall be the first \$40,000 plus one-half of the residue.
- (E) IF THERE IS NO SURVIVING ISSUE BUT A SURVIVING PARENT, AND THE SURVIVING SPOUSE AND THE DECEDENT HAD BEEN MARRIED FOR AT LEAST ~~10~~ 5 YEARS, THE SHARE SHALL BE THE WHOLE ESTATE.**
- [(e)] **(F)** If there is no surviving issue or parent, the share shall be the whole estate.

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

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

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

Approved by the Governor, April 30, 2019.