

**Department of Legislative Services**  
 Maryland General Assembly  
 2014 Session

**FISCAL AND POLICY NOTE**

Senate Bill 391

(Senator Frosh)

Judicial Proceedings

Judiciary

**Estates and Trusts - Registers of Wills - Records**

This bill authorizes a register of wills (register), no sooner than 180 days following the closing of an estate, to return files associated with the estate, other than the probated will, to the personal representative of the estate, if a copy of the files associated with the estate is retained by the register in paper, photographic, microprocessed, magnetic, mechanical, electronic, digital, or any other medium. The copy must be maintained by the register in a manner that (1) is clear and legible; (2) accurately reproduces the original document in its entirety, including any attachments to the document; (3) is capable of producing a clear and legible hard copy of the original document; and (4) preserves evidence of any signature contained on the document.

The bill also directs each register, in consultation with the Comptroller and the State Archives, to develop standards to ensure uniform application of the bill throughout the State.

**Fiscal Summary**

**State Effect:** General fund revenues increase by \$45,000 in FY 2015 as a result of excess registers' fees due to reduced custodial expenditures. Out-years reflect annualization and assume no material changes in the number of records maintained by registers' offices.

(in dollars)	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
GF Revenue	\$45,000	\$60,000	\$60,000	\$60,000	\$60,000
Expenditure	0	0	0	0	0
Net Effect	\$45,000	\$60,000	\$60,000	\$60,000	\$60,000

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** Minimal expenditure savings for local governments. Expenditures decrease to the extent that local governments reduce the repositories necessary for the storage of estate records each year.

**Small Business Effect:** None.

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## Analysis

**Current Law/Background:** A register is required to receive, file, and store safely every original paper and record left in its custody, in a repository of the courthouse as the court may direct. Repositories are to be kept at the expense of the local government. Estate records are retained permanently by the register but may be transferred to the State Archives if space permits.

On average, 30,000 new estates are opened annually. The registers advise that their offices are congested due to the amount of estate records that must be permanently retained. The registers further advise that all 24 jurisdictions are equipped with the necessary hardware and software to produce electronic copies of all estate records.

**State Fiscal Effect:** Probate fees and inheritance taxes collected by the registers of wills that are not used for salaries and expenses of the registers of wills are deposited in the general fund. General fund revenues increase by \$45,000 in fiscal 2015, accounting for the bill's October 1 effective date, and by \$60,000 annually thereafter, as the registers' repository expenses decrease as a result of the bill. These estimates are exclusive of local government repository expenses and cover the amount of storage space necessary to retain the average number of estates opened annually.

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## Additional Information

**Prior Introductions:** None.

**Cross File:** HB 228 (Delegate Dumais) - Judiciary.

**Information Source(s):** Maryland State Archives, Comptroller's Office, Judiciary (Administrative Office of the Courts), Register of Wills, Department of Legislative Services

**Fiscal Note History:** First Reader - February 3, 2014  
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