

Chapter 486

(House Bill 472)

AN ACT concerning

Estates and Trusts – Registers of Wills – Retention of Estate Files

FOR the purpose of repealing a requirement that a register of wills in a county return certain estate files to the personal representative of the estate under certain circumstances; authorizing a register to dispose of certain estate files after a certain period of time if copies of the files are retained in a certain manner; making a stylistic change; providing for the application of this Act; and generally relating to the retention of estate files by a register of wills in a county.

BY repealing and reenacting, with amendments,
 Article – Estates and Trusts
 Section 2–209
 Annotated Code of Maryland
 (2011 Replacement Volume and 2015 Supplement)

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

Article – Estates and Trusts

2–209.

(a) Any will, probated, or any paper filed in the office of the register may not be delivered out of the office to any person.

(b) When a will or other paper is properly demanded for introduction in evidence, it shall be presented under the care of the register or **[his] THE REGISTER’S** deputy.

(c) (1) The register may comply with subsection (a) of this section by[:

(i) **Retaining] RETAINING** a permanent paper file of a probated will in the office and a copy of any other file associated with the estate in paper, photographic, microprocessed, magnetic, mechanical, electronic, digital, or any other medium if the copy is maintained in a manner that:

[1.] (I) Is clear and legible;

[2.] (II) Accurately reproduces the original document in its entirety, including any attachments to the document;

[3.] (III) Is capable of producing a clear and legible hard copy of the original document; and

[4.] (IV) Preserves evidence of any signature contained on the document[; and].

[(ii)] (2) No sooner than 180 days following the closing of an estate, [returning each other file associated with the estate, other than the will, to the personal representative of the estate] **THE REGISTER MAY DISPOSE OF ANY FILE ASSOCIATED WITH THE ESTATE OTHER THAN THE WILL IF A COPY OF THE FILE IS RETAINED BY THE REGISTER IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION.**

[(2)] (3) In consultation with the Comptroller and the State Archives to ensure uniform application throughout the State, the register shall develop standards in accordance with paragraph (1) of this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect estates opened on or after October 1, 2014.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.