

HOUSE BILL 472

N2

6lr2091

By: **Delegates Miele, Arentz, Aumann, Carozza, Jacobs, Morgan, and Otto**
Introduced and read first time: February 1, 2016
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of repealing a requirement that a register of wills in a county return
4 certain estate files to the personal representative of the estate under certain
5 circumstances; authorizing a register to dispose of certain estate files after a certain
6 period of time if copies of the files are retained in a certain manner; making a stylistic
7 change; and generally relating to the retention of estate files by a register of wills in
8 a county.

9 BY repealing and reenacting, with amendments,
10 Article – Estates and Trusts
11 Section 2–209
12 Annotated Code of Maryland
13 (2011 Replacement Volume and 2015 Supplement)

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

16 **Article – Estates and Trusts**

17 2–209.

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

17 [(2)] **(3)** In consultation with the Comptroller and the State Archives to
18 ensure uniform application throughout the State, the register shall develop standards in
19 accordance with paragraph (1) of this subsection.

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