

SB0649/788977/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 649  
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 4, after “documentation;” insert “authorizing the orphans’ court, or the court exercising jurisdiction of the orphans’ court in a county, to pass orders that may be necessary to determine the value or sources of payment of a certain elective share;”; in line 7, strike “and”; in line 8, after “fees” insert “, pass certain orders requiring certain individuals to provide certain information to the court, and transmit certain issues of fact to a certain circuit court”; in line 19, strike “The” and substitute “Section 2–102(a), 7–603, 13–204(a), 17–202, and 17–203; and the”; and strike beginning with the semicolon in line 20 down through “17–203” in line 21.

AMENDMENT NO. 2

On page 3, after line 1, insert:

“2–102.

(a) **(1)** The court may [conduct judicial probate, direct the conduct of a personal representative, and pass orders which may be required in the course of the administration of an estate of a decedent. It may summon witnesses];

**(I) CONDUCT JUDICIAL PROBATE;**

**(II) DIRECT THE CONDUCT OF A PERSONAL REPRESENTATIVE;**

**(III) SUMMON WITNESSES; AND**

(Over)

**(IV) PASS ORDERS THAT MAY BE:**

**1. REQUIRED IN THE COURSE OF THE ADMINISTRATION OF AN ESTATE OF A DECEDENT; OR**

**2. NECESSARY TO DETERMINE THE VALUE OR SOURCES OF PAYMENT OF AN ELECTIVE SHARE UNDER § 4-413 OF THIS ARTICLE.**

**(2) The court may not, under pretext of incidental power or constructive authority, exercise any jurisdiction not expressly conferred.”.**

On page 21, in line 9, strike “AND”; and in line 10, after “FEES” insert “;

**(4) PASS ORDERS REQUIRING THE HOLDER OR RECIPIENT OF ANY PORTION OF AN AUGMENTED ESTATE, AN ESTATE SUBJECT TO ELECTION, OR SPOUSAL BENEFITS TO PROVIDE ANY INFORMATION THAT THE COURT CONSIDERS NECESSARY TO DETERMINE THE VALUE OR SOURCES OF PAYMENT OF AN ELECTIVE SHARE; AND**

**(5) TRANSMIT ISSUES OF FACT RELATING TO THE VALUE OR SOURCES OF PAYMENT OF AN ELECTIVE SHARE TO THE CIRCUIT COURT OF THE COUNTY IN WHICH THE ELECTION UNDER § 3-403 OF THIS SUBTITLE IS FILED”.**