

HOUSE BILL 1140

N2

9lr2927
CF 9lr2040

By: **Delegates Chisholm, Buckel, Chang, Jalisi, Malone, McComas, and Saab**
Introduced and read first time: February 8, 2019
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Wills – Execution of Wills – Witnesses and Wills Executed Outside the State**

3 FOR the purpose of prohibiting, for purposes of an attested will, a person from qualifying
4 as a witness in the presence of the testator if the witness is in a different physical
5 location than the testator; clarifying the conditions under which a will executed
6 outside the State is properly executed; making stylistic changes; and generally
7 relating to the execution of wills.

8 BY repealing and reenacting, with amendments,
9 Article – Estates and Trusts
10 Section 4–102 and 4–104
11 Annotated Code of Maryland
12 (2017 Replacement Volume and 2018 Supplement)

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

15 **Article – Estates and Trusts**

16 4–102.

17 (A) Except as provided in §§ 4–103 and 4–104 of this subtitle, every will shall be:

18 (1) [in] **IN** writing[.];

19 (2) [signed] **SIGNED** by the testator, or by some other person for [him] **THE**
20 **TESTATOR**, in [his] **THE TESTATOR’S** presence and by [his] **THE TESTATOR’S** express
21 direction[.]; and

22 (3) [attested] **ATTESTED** and signed by two or more credible witnesses in

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the presence of the testator.

2 **(B) FOR PURPOSES OF THIS SECTION, A WITNESS IS NOT IN THE PRESENCE**
3 **OF THE TESTATOR IF THE WITNESS IS IN A DIFFERENT PHYSICAL LOCATION THAN**
4 **THE TESTATOR REGARDLESS OF WHETHER THE TESTATOR CAN OBSERVE THE**
5 **WITNESS THROUGH ELECTRONIC AUDIO-VIDEO OR OTHER TECHNOLOGICAL MEANS.**

6 4-104.

7 A will executed outside this State is properly executed if it is:

8 (1) In writing;

9 (2) Signed by the testator; and

10 (3) Executed in conformity with the provisions of § 4-102 of this subtitle,
11 or the law of the domicile of the testator, or the **LAW OF THE** place where the [will is
12 executed] **TESTATOR IS PHYSICALLY LOCATED AT THE TIME THE TESTATOR SIGNS**
13 **THE WILL.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2019.