

HB1420/413820/1

BY: Judiciary Committee

AMENDMENTS TO HOUSE BILL 1420
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**and Wims**” and substitute “**Wims, and Taylor**”; strike beginning with “**Identity**” in line 2 down through “**Identification**” in line 3 and substitute “**Appointment of Personal Representatives – Noncitizens**”; strike beginning with “requiring” in line 4 down through “wills” in line 8 and substitute “repealing the prohibition on a register of wills or court granting letters in administrative or judicial probate to certain individuals who are not citizens of the United States; and generally relating to noncitizens and the appointment of personal representatives”; in line 9, strike “adding to” and substitute “repealing and reenacting, with amendments,”; and in line 11, strike “2–216” and substitute “5–105”.

AMENDMENT NO. 2

On page 1, strike in their entirety lines 17 through 21, inclusive, and substitute:

“5–105.

(a) (1) In this section, “serious crime” means a crime that reflects adversely on an individual’s honesty, trustworthiness, or fitness to perform the duties of a personal representative.

(2) “Serious crime” includes fraud, extortion, embezzlement, forgery, perjury, and theft.

(b) Subject to § 5–104 of this subtitle, the register or court may grant letters to:

(1) A trust company;

(2) Any other corporation authorized by law to be a personal representative; or

(3) Subject to subsection (c) of this section, any individual.

(c) Letters may not be granted to a person who, at the time a determination of priority is made, has filed with the register a declaration in writing that the person renounces the right to administer or is:

(1) Under the age of 18 years;

(2) Mentally incompetent;

(3) Convicted of a serious crime, unless the person shows good cause for the granting of letters;

~~[(4)~~ Not a citizen of the United States unless the person is a permanent resident of the United States and is:

(i) The spouse of the decedent;

(ii) An ancestor of the decedent;

(iii) A descendant of the decedent; or

(iv) A sibling of the decedent;]

~~[(5)]~~ (4) A full-time judge of a court established under the laws of Maryland or the United States including a judge of an orphans' or probate court, or a clerk of court, or a register, unless the person is the surviving spouse or is related to the decedent within the third degree; or

[(6)] (5) A nonresident of the State, unless there shall be on file with the register an irrevocable designation by the nonresident of an appropriate person who resides in the State on whom service of process may be made in the same manner and with the effect as if it were served personally in the State on the nonresident.”.