

HOUSE BILL 928

N2

5lr2257

By: **Delegate Crosby**

Introduced and read first time: January 31, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts – Wills – Married Couples and Registered Domestic**
3 **Partnerships**

4 FOR the purpose of prohibiting a testator, who is married or in a registered domestic
5 partnership, from signing a will in the presence of the testator's spouse or registered
6 domestic partner; prohibiting an individual who witnesses and signs a testator's will
7 from also witnessing and signing the will of the testator's spouse or registered
8 domestic partner; and generally relating to the execution of wills by testators who
9 are married or in registered domestic partnerships.

10 BY repealing and reenacting, without amendments,
11 Article – Estates and Trusts
12 Section 4–102(a)
13 Annotated Code of Maryland
14 (2022 Replacement Volume and 2024 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Estates and Trusts
17 Section 4–102(b)
18 Annotated Code of Maryland
19 (2022 Replacement Volume and 2024 Supplement)

20 BY adding to
21 Article – Estates and Trusts
22 Section 4–102(g)
23 Annotated Code of Maryland
24 (2022 Replacement Volume and 2024 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Estates and Trusts

1
2 4–102.

3 (a) Any person may make a will if the person is 18 years of age or older, and
4 legally competent to make a will.

5 (b) Except as provided in §§ 4–103 and 4–104 of this subtitle and [subsection (f)]
6 **SUBSECTIONS (F) AND (G)** of this section, every will shall be:

7 (1) In writing;

8 (2) Signed by the testator, or by some other person for the testator, in the
9 testator’s physical presence and by the testator’s express direction; and

10 (3) Attested and signed by two or more credible witnesses in:

11 (i) The physical presence of the testator; or

12 (ii) The electronic presence of the testator, provided that an
13 electronic will or remotely witnessed will satisfies the requirements under subsection (c) or
14 (d) of this section.

15 **(G) (1) THE REQUIREMENTS UNDER THIS SUBSECTION APPLY TO THE**
16 **EXECUTION OF THE WILL OF A TESTATOR WHO IS MARRIED OR IN A REGISTERED**
17 **DOMESTIC PARTNERSHIP.**

18 **(2) AT THE TIME THAT THE TESTATOR AND WITNESSES SIGN THE**
19 **WILL UNDER SUBSECTION (B)(2) OF THIS SECTION, THE TESTATOR, OR THE PERSON**
20 **SIGNING ON BEHALF OF THE TESTATOR, MAY NOT BE IN THE PHYSICAL OR**
21 **ELECTRONIC PRESENCE OF THE TESTATOR’S SPOUSE OR REGISTERED DOMESTIC**
22 **PARTNER.**

23 **(3) AN INDIVIDUAL WHO WITNESSES AND SIGNS A TESTATOR’S WILL**
24 **IN SATISFACTION OF SUBSECTION (B)(3) OF THIS SECTION MAY NOT ALSO WITNESS**
25 **AND SIGN THE WILL OF THE TESTATOR’S SPOUSE OR REGISTERED DOMESTIC**
26 **PARTNER.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
28 apply only prospectively and may not be applied or interpreted to have any effect on or
29 application to any wills executed before the effective date of this Act.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2025.