

HOUSE BILL 1420

N2

5lr1328

By: Delegates Woorman, Taveras, Acevero, Hill, S. Johnson, Kaiser, Kaufman,
R. Lewis, Pasteur, Ruth, Schindler, Spiegel, Terrasa, White Holland, ~~and~~
~~Wims~~ Wims, and Taylor

Introduced and read first time: February 7, 2025

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2025

CHAPTER _____

1 AN ACT concerning

2 **Registers of Wills – ~~Identity Verification Without Government Issued~~**
3 **~~Identification~~ Appointment of Personal Representatives – Noncitizens**

4 FOR the purpose of ~~requiring the register of wills for each county and Baltimore City, in~~
5 ~~consultation with the Maryland Registers of Wills Association, to offer a method by~~
6 ~~which an individual without government issued identification may prove the~~
7 ~~individual's identity as an heir or a beneficiary of a will; and generally relating to~~
8 ~~identity verification with a register of wills~~ repealing the prohibition on a register of
9 wills or court granting letters in administrative or judicial probate to certain
10 individuals who are not citizens of the United States; and generally relating to
11 noncitizens and the appointment of personal representatives.

12 BY ~~adding to~~ repealing and reenacting, with amendments,

13 Article – Estates and Trusts

14 Section ~~2-216~~ 5-105

15 Annotated Code of Maryland

16 (2022 Replacement Volume and 2024 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Estates and Trusts**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~2-216.~~

2 ~~EACH REGISTER, IN CONSULTATION WITH THE MARYLAND REGISTERS OF~~
3 ~~WILLS ASSOCIATION, SHALL OFFER A METHOD BY WHICH AN INDIVIDUAL WITHOUT~~
4 ~~GOVERNMENT ISSUED IDENTIFICATION MAY PROVE THE INDIVIDUAL'S IDENTITY AS~~
5 ~~AN HEIR OR A BENEFICIARY OF A WILL.~~

6 5-105.

7 (a) (1) In this section, "serious crime" means a crime that reflects adversely on
8 an individual's honesty, trustworthiness, or fitness to perform the duties of a personal
9 representative.

10 (2) "Serious crime" includes fraud, extortion, embezzlement, forgery,
11 perjury, and theft.

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

13 (1) A trust company;

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

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

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

20 (1) Under the age of 18 years;

21 (2) Mentally incompetent;

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

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

26 (i) The spouse of the decedent;

27 (ii) An ancestor of the decedent;

28 (iii) A descendant of the decedent; or

29 (iv) A sibling of the decedent;]

1 ~~[(5)] (4)~~ A full-time judge of a court established under the laws of
2 Maryland or the United States including a judge of an orphans' or probate court, or a clerk
3 of court, or a register, unless the person is the surviving spouse or is related to the decedent
4 within the third degree; or

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

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.