

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 928
Judiciary

(Delegate Crosby)

Estates and Trusts - Wills - Married Couples and Registered Domestic Partnerships

This bill establishes that (1) a testator (person making a will), or a person signing on behalf of a testator, may not be in the physical or electronic presence of the testator’s spouse or registered domestic partner at the time the testator and witnesses sign the will and (2) an individual who witnesses and signs a testator’s will may not also witness and sign the will of the testator’s spouse or registered domestic partner. The bill must be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any wills executed before the bill’s effective date.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances.

Local Effect: The bill is not anticipated to materially affect local government finances.

Small Business Effect: Minimal.

Analysis

Current Law: “Will” is defined under the Estates and Trusts Article as a record that the testator intends to adopt as the testator’s codicil or testamentary instrument and that (1) appoints a personal representative, revokes or revises another will, nominates a guardian, directs the disposition of the testator’s property, or expressly excludes or limits the right of an individual or class to succeed to property of a decedent passing by intestate succession and (2) is executed in the form prescribed by, and has not been revoked in a manner provided by, specified statutory provisions.

In general, every will must be (1) in writing; (2) signed by the testator, or by another person on behalf of the testator, in the testator's physical presence and by the testator's express direction; and (3) attested and signed by two or more credible witnesses in the physical presence of the testator or, provided certain requirements are satisfied, the electronic presence of the testator.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Register of Wills; Department of Legislative Services

Fiscal Note History: First Reader - March 3, 2025
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