

# HOUSE BILL 963

N2

(6lr1727)

## ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **Delegates Woorman, Acevero, Boyce, Kaiser, Kaufman, Martinez, Palakovich Carr, Ruth, Simmons, Terrasa, Wims, and Wolek**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

#### 2 **Registers of Wills – Appointment of Personal Representatives**

3 FOR the purpose of ~~repealing~~ altering the prohibition on a register of wills or court granting  
4 letters in administrative or judicial probate to certain individuals who are not  
5 citizens of the United States; and generally relating to noncitizens and the  
6 appointment of personal representatives.

7 BY repealing and reenacting, with amendments,  
8 Article – Estates and Trusts  
9 Section 5–105  
10 Annotated Code of Maryland  
11 (2022 Replacement Volume and 2025 Supplement)

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#### 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.

*Italics indicate opposite chamber/conference committee amendments.*



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

3 **Article – Estates and Trusts**

4 5–105.

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

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

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

11 (1) A trust company;

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

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

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

18 (1) Under the age of 18 years;

19 (2) Mentally incompetent;

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

22 ~~†~~(4) Not a citizen **OR A PERMANENT RESIDENT** of the United States unless  
23 the person ~~is a permanent resident of the United States and~~ is:

24 (i) **DOMICILED IN THE UNITED STATES; AND**

25 **(II) 1.** The spouse of the decedent;

26 ~~(ii)~~ **2.** An ancestor of the decedent;

27 ~~(iii)~~ **3.** A descendant of the decedent; or

28 ~~(iv)~~ **4.** 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, 2026.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.