

By: Thimesch

H.B. No. 3331

A BILL TO BE ENTITLED

AN ACT

relating to a convicted felon serving as executor of a decedent's estate in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 304.003, Estates Code, is amended to read as follows:

Sec. 304.003. PERSONS DISQUALIFIED TO SERVE AS EXECUTOR OR ADMINISTRATOR. (a) Except as provided by Subsection (b), a [A] person is not qualified to serve as an executor or administrator if the person is:

(1) incapacitated;

(2) a felon convicted under the laws of the United States or of any state of the United States unless, in accordance with law, the person has been pardoned or has had the person's civil rights restored;

(3) a nonresident of this state who:

(A) is a natural person or corporation; and

(B) has not:

(i) appointed a resident agent to accept service of process in all actions or proceedings with respect to the estate; or

(ii) had that appointment filed with the court;

(4) a corporation not authorized to act as a fiduciary

1 in this state; or

2 (5) a person whom the court finds unsuitable.

3 (b) A person described by Subsection (a)(2) is not
4 disqualified from serving as an executor of a decedent's estate
5 under Subsection (a)(2) if:

6 (1) the person is named as executor in the decedent's
7 will;

8 (2) the person is otherwise qualified to serve as an
9 executor; and

10 (3) the court approves the person serving as an
11 executor.

12 SECTION 2. The changes in law made by this Act to Section
13 304.003, Estates Code, apply only to the estate of a decedent who
14 dies on or after the effective date of this Act. The estate of a
15 decedent who dies before the effective date of this Act is governed
16 by the law in effect on the date of the decedent's death, and the
17 former law is continued in effect for that purpose.

18 SECTION 3. This Act takes effect September 1, 2023.