

1-1 By: Thimesch, et al. (Senate Sponsor - Hughes) H.B. No. 3331
1-2 (In the Senate - Received from the House April 24, 2023;
1-3 May 5, 2023, read first time and referred to Committee on
1-4 Jurisprudence; May 17, 2023, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 17, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			

1-13 A BILL TO BE ENTITLED
1-14 AN ACT

1-15 relating to a convicted felon serving as executor of a decedent's
1-16 estate in certain circumstances.

1-17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-18 SECTION 1. Section 304.003, Estates Code, is amended to
1-19 read as follows:

1-20 Sec. 304.003. PERSONS DISQUALIFIED TO SERVE AS EXECUTOR OR
1-21 ADMINISTRATOR. (a) Except as provided by Subsection (b), a [A]
1-22 person is not qualified to serve as an executor or administrator if
1-23 the person is:

1-24 (1) incapacitated;
1-25 (2) a felon convicted under the laws of the United
1-26 States or of any state of the United States unless, in accordance
1-27 with law, the person has been pardoned or has had the person's civil
1-28 rights restored;

1-29 (3) a nonresident of this state who:
1-30 (A) is a natural person or corporation; and
1-31 (B) has not:

1-32 (i) appointed a resident agent to accept
1-33 service of process in all actions or proceedings with respect to the
1-34 estate; or

1-35 (ii) had that appointment filed with the
1-36 court;

1-37 (4) a corporation not authorized to act as a fiduciary
1-38 in this state; or

1-39 (5) a person whom the court finds unsuitable.

1-40 (b) A person described by Subsection (a)(2) is not
1-41 disqualified from serving as an executor of a decedent's estate
1-42 under Subsection (a)(2) if:

1-43 (1) the person is named as executor in the decedent's
1-44 will;

1-45 (2) the person is otherwise qualified to serve as an
1-46 executor; and

1-47 (3) the court approves the person serving as an
1-48 executor.

1-49 SECTION 2. The changes in law made by this Act to Section
1-50 304.003, Estates Code, apply only to the estate of a decedent who
1-51 dies on or after the effective date of this Act. The estate of a
1-52 decedent who dies before the effective date of this Act is governed
1-53 by the law in effect on the date of the decedent's death, and the
1-54 former law is continued in effect for that purpose.

1-55 SECTION 3. This Act takes effect September 1, 2023.

1-56 * * * * *