

By: Riddle

H.B. No. 2844

A BILL TO BE ENTITLED

AN ACT

relating to the characterization of certain property on the death of a spouse.

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

SECTION 1. Chapter II, Texas Probate Code, is amended by adding Section 45A to read as follows:

Sec. 45A. CHARACTERIZATION OF CERTAIN PROPERTY ON DEATH OF SPOUSE. On the death of one of the spouses to a marriage, the following property, wherever situated, is considered community property for purposes of determining passage of all or part of the property by intestacy or under the terms of a testator's will:

(1) property that was acquired by either spouse while domiciled in another state and that would have been community property if the spouse who acquired the property had been domiciled in this state at the time of the acquisition; and

(2) property that was acquired by either spouse in exchange for other property and that would have been community property if the spouse who acquired the property had been domiciled in this state at the time of the acquisition.

SECTION 2. The changes in law made by this Act apply only to the estate of a decedent who dies on or after the effective date of this Act. The estate of a decedent who dies before the effective date of this Act is governed by the law in effect on the date of the decedent's death, and the former law is continued in effect for that

1 purpose.

2 SECTION 3. This Act takes effect September 1, 2009.