

By: West

S.B. No. 1421

A BILL TO BE ENTITLED

AN ACT

relating to the requirement that a will be attested by witnesses.

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

SECTION 1. Section 251.051, Estates Code, as effective January 1, 2014, is amended to read as follows:

Sec. 251.051. WRITTEN, SIGNED, AND ATTESTED. Except as otherwise provided by law, a last will and testament must be:

(1) in writing;

(2) signed by:

(A) the testator in person; or

(B) another person on behalf of the testator:

(i) in the testator's presence; and

(ii) under the testator's direction; and

(3) attested by two or more credible witnesses:

(A) who are at least 14 years of age;

(B) [and] who subscribe their names to the will in their own handwriting; and

(C) each of whom witnesses one of the following:

(i) the signing under Subdivision (2);

(ii) the testator's acknowledgment of the signature under Subdivision (2); or

(iii) the testator's acknowledgment of the will [in the testator's presence].

SECTION 2. Section 251.051, Estates Code, as amended by

1 this Act, applies only to a will executed on or after the effective
2 date of this Act. A will executed before the effective date of this
3 Act is governed by the law in effect on the date the will was
4 executed, and the former law is continued in effect for that
5 purpose.

6 SECTION 3. This Act takes effect January 1, 2014.