

BILL ANALYSIS

S.B. 192
By: Perry
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been noted that the administrator or executor of a will is required to travel to the county where the decedent resided or passed away to fulfill certain duties, even if the decedent has no family in that county and the will is uncontested. It is suggested that this is an unnecessary inconvenience and burden, particularly when the administrator or executor is a surviving family member for whom such travel may impose significant emotional, financial, and physical hardships. S.B. 192 seeks to address this issue by authorizing the administrator or executor of such a will to change the venue of a probate proceeding under certain conditions.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 192 amends the Estates Code to authorize a court, after the issuance in a probate proceeding of letters testamentary or of administration to the executor or administrator of an estate, and on motion of the executor or administrator, to order that the proceeding be transferred to another county in Texas in which the executor or administrator resides if no parent, spouse, child, or sibling of the decedent resides in the same county in which the decedent resided. The bill requires the clerk of the court from which the probate proceeding is transferred to transmit to the receiving court the original file in the proceeding and a certified copy of the index. The bill requires the executor or administrator to provide the required notice regarding presentment of claims against the estate in the county of the court that originally issued the letters testamentary or of administration.

EFFECTIVE DATE

September 1, 2019.