

## **BILL ANALYSIS**

H.B. 1297  
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Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Concerns have been raised regarding the undue burden placed on courts attempting to locate charitable organizations and institutions of higher education for service of process for a contested will proceeding. The current process puts the court at a disadvantage, given that the party contesting the will is typically better equipped to find and serve an organization or institution that is a beneficiary. There have been calls to allow courts to operate more efficiently in these matters while ensuring that the beneficiary still receives the necessary notice. H.B. 1297 seeks to remedy this situation by requiring the contestant in a probate case to serve beneficiaries who are charitable entities.

### **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**

H.B. 1297 amends the Estates Code to change service of process requirements in a will contest or will construction suit in which a public or private institution of higher education or a charitable organization is a necessary party as a distributee by transferring the duty to serve the institution or organization from the court to the party contesting the will or bringing the suit.

### **EFFECTIVE DATE**

September 1, 2021.