

By: Perry  
(Murr)

S.B. No. 156

Substitute the following for S.B. No. 156:

By: Smith

C.S.S.B. No. 156

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the transfer of certain probate proceedings to the  
3 county in which the executor or administrator of a decedent's  
4 estate resides and to the jurisdiction of the transferee court.

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

6 SECTION 1. Subchapter C, Chapter 33, Estates Code, is  
7 amended by adding Section 33.1011 to read as follows:

8 Sec. 33.1011. TRANSFER TO COUNTY IN WHICH EXECUTOR OR  
9 ADMINISTRATOR RESIDES. (a) In this section, "immediate family  
10 member" means a person's parent, spouse, child, or sibling.

11 (b) After issuing letters testamentary or of administration  
12 to the executor or administrator of an estate in a probate  
13 proceeding, the court, on motion of the executor or administrator,  
14 may order that the proceeding be transferred to another county in  
15 this state in which the executor or administrator resides if no  
16 immediate family member of the decedent resides in the same county  
17 in which the decedent resided.

18 (c) The clerk of the court from which the probate proceeding  
19 described by Subsection (b) is transferred shall transmit to the  
20 court to which the proceeding is transferred:

21 (1) the original file in the proceeding; and

22 (2) a certified copy of the index.

23 (d) Notwithstanding the date of any transfer under this  
24 section, the executor or administrator shall provide the notice

1 required by Section 308.051 in the county of the court that  
2 originally issued the letters testamentary or of administration.

3 (e) Notwithstanding any other law, including Sections  
4 33.003 and 34.001, the court to which the probate proceeding is  
5 transferred does not have jurisdiction over any personal injury,  
6 wrongful death, or survival action brought by or against the  
7 personal representative or otherwise related to the transferred  
8 proceeding.

9 SECTION 2. Section 33.1011, Estates Code, as added by this  
10 Act, applies only to the estate of a decedent who dies on or after  
11 the effective date of this Act. The estate of a decedent who dies  
12 before the effective date of this Act is governed by the law in  
13 effect on the date of the decedent's death, and the former law is  
14 continued in effect for that purpose.

15 SECTION 3. This Act takes effect September 1, 2021.