

BILL ANALYSIS

S.B. 1839
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current statute allows for the transfer of a will or a copy of a will through the electronic filing system. The bill sponsor has informed the committee that while electronic copies can facilitate transfers, they also can create issues with authenticity and the potential for tampering or loss of crucial documents. S.B. 1839 would require the original will or a paper copy that cannot be produced in court to be sent to the transferee court using a trackable delivery method, such as registered or certified mail, common or contract carriers, or designated delivery services with proof of receipt. The requesting party would cover the delivery cost. This change would ensure secure transfers and prevent tampering.

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. 1839 amends the Estates Code to revise the requirement for the clerk of the court from which a probate proceeding is transferred to a court in another county to send to the clerk of the court to which the proceeding is transferred certain probate proceeding information by doing the following:

- removing the specification that the requirement for the clerk to send a copy of the original papers filed in the transferring court using the state's electronic filing system includes a copy of any will; and
- requiring the clerk instead to send by a qualified delivery method the original will or the paper copy of the will offered to prove a will that cannot be produced in court, as applicable.

The bill requires the applicant who requested to transfer a probate proceeding, if applicable, to pay that delivery cost. These provisions apply to a proceeding that is pending or commenced on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2025.