

SESSION OF 2023

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2018

As Recommended by House Committee on
Judiciary

Brief*

HB 2018 would modify law governing filing and preserving of wills to allow a copy of a decedent's will to be filed and admitted to probate and allow a will or a copy of a will filed within six months of the testator's death to be probated at any time, subject to any other applicable legal defenses to such admission.

An affidavit must be filed as part of this procedure. The bill would require such affidavit filed on or after July 1, 2023, to state whether the original will or a copy of the will is being filed with the court.

[*Note:* Currently, the statute does not allow for copy of a will to be filed and provides that a will may be probated after a six-month period from the testator's death.]

Background

The bill was introduced by the House Committee on Judiciary at the request of a representative of the Kansas Bar Association (KBA).

House Committee on Judiciary

In the House Committee hearing on January 17, 2023, a representative of the KBA testified as a **proponent** of the bill,

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

stating the bill would allow a copy of a will to be preserved for probate in cases when the original will is lost. No other testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of Judicial Administration indicates that enactment of the bill could have a fiscal effect on the Judicial Branch because the bill would allow a copy of a will to be filed, which could result in more time spent by court employees and judges processing and deciding cases. However, a precise fiscal effect could not be determined. Any fiscal effect associated with the bill is not reflected in *The FY 2024 Governor's Budget Report*.

Wills; probate; affidavit; filing of copy of will