

# HOUSE BILL 472

N2

6lr2091

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By: ~~Delegates Miele, Arentz, Aumann, Carozza, Jacobs, Morgan, and Otto~~

Introduced and read first time: February 1, 2016

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2016

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Estates and Trusts – Registers of Wills – Retention of Estate Files**

3 FOR the purpose of repealing a requirement that a register of wills in a county return  
4 certain estate files to the personal representative of the estate under certain  
5 circumstances; authorizing a register to dispose of certain estate files after a certain  
6 period of time if copies of the files are retained in a certain manner; making a stylistic  
7 change; providing for the application of this Act; and generally relating to the  
8 retention of estate files by a register of wills in a county.

9 BY repealing and reenacting, with amendments,  
10 Article – Estates and Trusts  
11 Section 2–209  
12 Annotated Code of Maryland  
13 (2011 Replacement Volume and 2015 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
15 That the Laws of Maryland read as follows:

16 **Article – Estates and Trusts**

17 2–209.

18 (a) Any will, probated, or any paper filed in the office of the register may not be  
19 delivered out of the office to any person.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (b) When a will or other paper is properly demanded for introduction in evidence,  
2 it shall be presented under the care of the register or [his] **THE REGISTER'S** deputy.

3 (c) (1) The register may comply with subsection (a) of this section by[:

4 (i) Retain[ing] **RETAINING** a permanent paper file of a probated will  
5 in the office and a copy of any other file associated with the estate in paper, photographic,  
6 microprocessed, magnetic, mechanical, electronic, digital, or any other medium if the copy  
7 is maintained in a manner that:

8 [1.] **(I)** Is clear and legible;

9 [2.] **(II)** Accurately reproduces the original document in its  
10 entirety, including any attachments to the document;

11 [3.] **(III)** Is capable of producing a clear and legible hard copy  
12 of the original document; and

13 [4.] **(IV)** Preserves evidence of any signature contained on  
14 the document[; and].

15 [(ii)] **(2)** No sooner than 180 days following the closing of an estate,  
16 [returning each other file associated with the estate, other than the will, to the personal  
17 representative of the estate] **THE REGISTER MAY DISPOSE OF ANY FILE ASSOCIATED  
18 WITH THE ESTATE OTHER THAN THE WILL IF A COPY OF THE FILE IS RETAINED BY  
19 THE REGISTER IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION.**

20 [(2)] **(3)** In consultation with the Comptroller and the State Archives to  
21 ensure uniform application throughout the State, the register shall develop standards in  
22 accordance with paragraph (1) of this subsection.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
24 apply retroactively and shall be applied to and interpreted to affect estates opened on or  
25 after October 1, 2014.

26 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2016.