

SENATE FILE NO. SF0099

Witnessing of wills-remote methods.

Sponsored by: Senator(s) Barlow, Baldwin and Nethercott and Representative(s) Brown, Chestek, Crago, Larsen, L, Nicholas and Zwonitzer, Dn

A BILL

for

1 AN ACT relating to wills; authorizing witnesses to wills to
2 appear electronically as specified; making conforming
3 amendments; and providing for an effective date.

4

5 *Be It Enacted by the Legislature of the State of Wyoming:*

6

7 **Section 1.** W.S. 2-6-112 and 2-6-114(a) and (c) are
8 amended to read:

9

10 **2-6-112. Will to be in writing; number and competency**
11 **of witnesses; signature of testator; subscribing witness**
12 **not to benefit; exception.**

13

14 **(a)** Except as provided in ~~the next section~~ W.S.
15 2-6-113, all wills to be valid shall be in writing, or

1 typewritten, witnessed by two (2) competent witnesses and
2 signed by the testator or by some person in his presence
3 and by his express direction. If the witnesses are
4 competent at the time of attesting the execution of the
5 will, their subsequent incompetency shall not prevent the
6 probate and allowance of the will. No subscribing witness
7 to any will can derive any benefit therefrom unless there
8 are two (2) disinterested and competent witnesses to the
9 same, but if without a will the witness would be entitled
10 to any portion of the testator's estate, the witness may
11 still receive the portion to the extent and value of the
12 amount devised.

13

14 (b) Witnesses to a will may appear in person or by
15 the use of audio-video communication technology due to
16 public health restrictions or other exigent circumstances,
17 provided that the witnesses can see and hear the testator
18 in real time, have the opportunity to judge the competency
19 of the testator, have the ability to securely sign the will
20 electronically and can determine that the testator is
21 freely and voluntarily signing and executing the will.

22

23 **2-6-114. Self-proving wills.**

1

2 (a) Any will may be simultaneously executed, attested
 3 and made self-proven, by the acknowledgment thereof by the
 4 testator and the affidavits of the witnesses, each made
 5 before an officer authorized to administer oaths under the
 6 laws of the state where execution occurs and evidenced by
 7 the officer's certificate under official seal, in form and
 8 content substantially as follows:

9

10 I,, the testator, sign my name to this instrument
 11 this day of, (year), and being first duly sworn,
 12 do hereby declare to the undersigned authority that I sign
 13 and execute this instrument as my last will and that I sign
 14 it willingly (or willingly direct another to sign for me),
 15 that I execute it as my free and voluntary act for the
 16 purposes therein expressed, and that I am an adult person,
 17 of sound mind, and under no constraint or undue influence.

18

Testator.....

19

20
 21 We,, the witnesses, sign (or electronically
 22 sign by secure means) our names to this instrument, being
 23 first duly sworn, and do hereby declare to the undersigned

1 authority that the testator signs and executes this
 2 instrument as his last will and that he signs it willingly
 3 (or willingly directs another to sign for him), and that he
 4 executes it as his free and voluntary act for the purposes
 5 therein expressed, and that each of us, in the presence and
 6 hearing of the testator (or appearing through the use of
 7 audio-video communication technology and able to see and
 8 hear the testator in real time), hereby signs this will (or
 9 electronically signs this will by secure means) as
 10 witnesses to the testator's signature and that to the best
 11 of our knowledge the testator is an adult person, of sound
 12 mind, and under no constraint or undue influence.

13

14 Witness

15

16 Witness

17

18 STATE OF WYOMING)

19

20) ss

21

22 COUNTY OF)

23

1

2 We, , , and , the testator and the
3 witnesses, respectively, whose names are signed to the
4 attached or foregoing instrument, being first duly sworn,
5 do hereby declare to the undersigned authority that the
6 testator signed and executed the instrument as his last
7 will and that he signed willingly or willingly directed
8 another to sign for him, and that he executed it as his
9 free and voluntary act for the purposes therein expressed;
10 and that each of the witnesses, in the presence and hearing
11 of the testator (or appearing through the use of
12 audio-video communication technology and able to see and
13 hear the testator in real time), signed the will (or
14 electronically signed the will by secure means) as witness
15 and that to the best of our knowledge the testator was at
16 that time an adult person, of sound mind and under no
17 constraint or undue influence.

18

19 Testator

20

21 Witness

22

23 Witness

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Subscribed, sworn to and acknowledged before me by
....., the testator, and subscribed and sworn to before me
by and, witnesses, this day of,

(SEAL) (Signed)

(Official Capacity of Officer)

Section 2. This act is effective July 1, 2023.

(END)