

# SENATE BILL 73

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(PRE-FILED)

7lr1007  
CF HB 735

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By: **Senator Reilly**

Requested: October 28, 2016

Introduced and read first time: January 11, 2017

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 14, 2017

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

1 AN ACT concerning

2 **Estates and Trusts – Share of Intestate Estate Inherited by Surviving Spouse**

3 FOR the purpose of increasing the share of the intestate estate of a decedent inherited by  
4 a surviving spouse under certain circumstances; and generally relating to intestate  
5 property inherited by a surviving spouse.

6 BY repealing and reenacting, with amendments,

7 Article – Estates and Trusts

8 Section 3–102

9 Annotated Code of Maryland

10 (2011 Replacement Volume and 2016 Supplement)

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

13 **Article – Estates and Trusts**

14 3–102.

15 (a) The share of a surviving spouse shall be as provided in this section.

16 (b) If there is a surviving minor child, the share shall be one-half.

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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.



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1 (c) If there is no surviving minor child, but there is surviving issue, the share  
2 shall be the first [\$15,000] ~~\$100,000~~ \$40,000 plus one-half of the residue.

3 (d) If there is no surviving issue but a surviving parent, the share shall be the  
4 first [\$15,000] ~~\$100,000~~ \$40,000 plus one-half of the residue.

5 (e) If there is no surviving issue or parent, the share shall be the whole estate.

6 (f) For the purposes of this section, the net estate shall be calculated without a  
7 deduction for the tax as defined in § 7-308 of the Tax – General Article.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2017.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.