

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1250
Judiciary

(Delegate Malone)

Judicial Proceedings

Task Force to Study the Laws of Intestacy in Maryland

This bill establishes the Task Force to Study the Laws of Intestacy in Maryland. The Administrative Office of the Courts must provide staff for the task force. A member of the task force may not receive compensation but is entitled to reimbursement for expenses under the standard State travel regulations. To the extent practicable, members appointed to the task force must reflect the racial, ethnic, cultural, and gender diversity of the State. The task force must submit a report of its findings and recommendations to the Governor and the General Assembly by January 1, 2022. **The bill takes effect July 1, 2021, and terminates June 30, 2022.**

Fiscal Summary

State Effect: Any expense reimbursements for task force members and staffing costs for the Judiciary are assumed to be minimal and absorbable within existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The task force must:

- examine the laws of intestacy in the State;
- analyze and compare the laws and practices of other states relating to the laws of intestacy;

- examine any other research, analysis, or guidance related to the laws of intestacy that the task force determines relevant; and
- make recommendations to revise the laws of intestacy in the State.

Current Law: Under the Estates and Trusts Article, all property of a decedent (deceased person) is subject to the estates of decedents law, and upon the person’s death, must pass directly to the personal representative (a fiduciary who settles and distributes the estate of the decedent in accordance with any will and the estates of decedents law) for administration and distribution. “Property” is all real and personal property of the decedent and any right or interest in the property, which does not pass, at the time of the decedent’s death, to another person by the terms of the instrument under which it is held, or by operation of law. Generally, any part of the net estate of a decedent not effectively disposed of by the decedent’s will (the intestate estate) must be distributed pursuant to statutory provisions that govern distribution of the intestate estate among a surviving spouse, living lineal descendants, and/or other heirs.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - February 17, 2021
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