

## **BILL ANALYSIS**

C.S.S.B. 156  
By: Perry  
Judiciary & Civil Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current law requires the executor or administrator of a will to travel to the county where the decedent resided or passed away, even if the decedent had no family in that county and the will is uncontested. Given the size of Texas, an obligation for long-distance travel during this period of grief can place a significant emotional, financial, and physical burden on the family of the decedent. C.S.S.B. 156 allows the venue of a probate proceeding to be moved to the county where the executor or administrator of the estate resides if no immediate family members live in the county where the decedent resided or passed away.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.S.B. 156 amends the Estates Code to authorize a court, after issuing letters testamentary or of administration to the executor or administrator of an estate in a probate proceeding and on motion of the executor or administrator, to order that the proceeding be transferred to another county in Texas in which the executor or administrator resides if no parent, spouse, child, or sibling of the decedent resides in the same county in which the decedent resided. The bill requires the clerk of the court from which the probate proceeding is transferred to transmit to the receiving court the original file in the proceeding and a certified copy of the index. The bill requires the executor or administrator to provide the required notice regarding presentment of claims against the estate in the county of the court that originally issued the letters testamentary or of administration. The bill establishes that the court to which the probate proceeding is transferred does not have jurisdiction over any personal injury, wrongful death, or survival action brought by or against the personal representative or otherwise related to the transferred proceeding.

### **EFFECTIVE DATE**

September 1, 2021.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 156 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee

substitute versions of the bill.

The substitute includes a provision not included in the engrossed establishing that the court to which the probate proceeding is transferred does not have jurisdiction over certain actions brought by or against the personal representative or otherwise related to the transferred proceeding.