

- SUBJECT:** Probate fee exemptions for certain public servants killed in line of duty
- COMMITTEE:** Judiciary and Civil Jurisprudence — favorable, without amendment
- VOTE:** 8 ayes — Jackson, Lewis, S. Davis, Madden, Raymond, Scott, Thompson, Woolley
- 0 nays
- 3 absent — Bohac, Castro, Hartnett
- SENATE VOTE:** On final passage, March 24 — 31-0, on Local and Uncontested Calendar
- WITNESSES:** (*On House companion bill, HB 1209:*)  
For — Lon Craft, Texas Municipal Police Association; Chris Jones, Combined Law Enforcement Associations of Texas, Peace Officers Memorial Foundation; Kimberly Sullivan, on behalf of Rep. Larry Taylor; (*Registered, but did not testify:* Trey Blocker, State Firemen’s and Fire Marshals’ Association; Steve Bresnen, Texas State Association of Fire Fighters; Bill Elkin, House Police Retired Officers Association; Monty Wynn, Texas Municipal League)
- Against — None
- BACKGROUND:** Probate Code, sec. 11A exempts the estate of a U.S. military service member who was killed in action from will-filing and probate fees.
- DIGEST:** SB 543 would exempt from will-filing and probate fees the estates of the following individuals if they died from an injury suffered in the line of duty:
- peace officers;
  - probation officers
  - parole officers;
  - paid jailers;
  - members of an organized police reserve;
  - Texas Department of Criminal Justice (TDCJ) corrections officers;
  - certain sheriff’s deputies employed as jailers;

- Texas Youth Commission (TYC) juvenile corrections officers;
- certain employees of the Department of State Health Services and the Department of Aging and Disability Services;
- public employees certified by the Texas Commission on Fire Protection;
- certain aircraft crash and rescue firefighters;
- volunteer firefighters;
- certain emergency medical services (EMS) personnel; and
- chaplains employed by firefighters or law enforcement entities, or for TDCJ.

The bill would take effect on September 1, 2011, and would affect only the estate of a decedent who died on or after that date.

**SUPPORTERS  
SAY:**

Peace officers, firefighters, jailers, EMS personnel, and other public servants perform dangerous work to protect the safety and health of our society. They daily put their lives on the line. If they lose their lives in the line of duty, then relieving their families of burdensome probate fees would be appropriate to show well-deserved support for these public servants and their families.

SB 543 would offer real relief to families at no significant cost to state or local finances. Probate fees are established by counties and can vary from \$200 to thousands of dollars, depending on the complexity of each probate case. According to the fiscal note, SB 543 would not have a significant impact on state or county finances. For example, Victoria County estimated four probate filings from fiscal 2011 would qualify for exemption from fees under SB 543 at a cost of \$249 per filing, for a total loss of less than a thousand dollars. Hays County projected only one filing from fiscal 2011 at a cost of \$287.

**OPPONENTS  
SAY:**

State law already exempts the estates of military service members killed in the line of duty from paying will-filing and probate fees. Adding additional groups, no matter how deserving, would further erode an important source of county revenue that pays for local courts. Fees, like taxes, should be broad-based and low. When the Legislature exempts a group from paying a fee, then the rates must increase for everyone else.

The bill should either be a local option or require the entity that employed the public servant to pay the probate fees. Either option would allow local

governments to plan and pay for financial relief for the families left behind.

**NOTES:**

The House companion bill, HB 1209 by L. Taylor, passed the House on the Local, Consent, and Resolutions Calendar on March 30 and was referred to the Senate Jurisprudence Committee on May 4.