

BILL ANALYSIS

H.B. 1209
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the estate of a peace officer or firefighter killed in the line of duty is required to pay fees to file the decedent's will for probate and for administering the estate. These probate fees, charged by county courts, are a financial burden on the families of fallen peace officers and firefighters. H.B. 1209 exempts the estates of peace officers and firefighters killed in the line of duty from paying probate court fees. Providing this exemption is a way to honor the sacrifice that the peace officers and firefighters have made in the line of duty.

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

H.B. 1209 amends the Texas Probate Code to prohibit a clerk of a court from charging or collecting either a fee for or associated with the filing of a decedent's will for probate or a fee for any service rendered by the court regarding the administration of a decedent's estate from the estate of an eligible decedent, including an individual listed in provisions of law relating to financial assistance to survivors of certain law enforcement officers, fire fighters, and others, if the decedent died as a result of a personal injury sustained in the line of duty in the individual's position. The bill provides for the meaning of "eligible decedent," "line of duty," and "personal injury" by reference to the Government Code. The bill repeals this provision effective January 1, 2014.

H.B. 1209 amends the Estates Code, as enacted by Section 1, Chapter 680 (H.B. 2502), Acts of the 81st Legislature, Regular Session, 2009, effective January 1, 2014, to incorporate in that code the bill's provision amending the Texas Probate Code. The bill makes this provision effective January 1, 2014.

H.B. 1209 repeals Section 11B, Texas Probate Code, effective January 1, 2014.

EFFECTIVE DATE

Except as otherwise provided, September 1, 2011.