

By: Taylor of Galveston, et al.

H.B. No. 1209

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to a probate fee exemption for estates of certain law  
3 enforcement officers, firefighters, and others killed in the line  
4 of duty.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 ARTICLE 1. TEXAS PROBATE CODE

7 SECTION 1.01. Chapter I, Texas Probate Code, is amended by  
8 adding Section 11B to read as follows:

9 Sec. 11B. EXEMPTION FROM PROBATE FEES FOR ESTATES OF  
10 CERTAIN LAW ENFORCEMENT OFFICERS, FIREFIGHTERS, AND OTHERS.

11 (a) In this section:

12 (1) "Eligible decedent" means an individual listed in  
13 Section 615.003, Government Code.

14 (2) "Line of duty" and "personal injury" have the  
15 meanings assigned by Section 615.021(e), Government Code.

16 (b) Notwithstanding any other law, the clerk of a court may  
17 not charge, or collect from, the estate of an eligible decedent any  
18 of the following fees if the decedent died as a result of a personal  
19 injury sustained in the line of duty in the individual's position as  
20 described by Section 615.003, Government Code:

21 (1) a fee for or associated with the filing of the  
22 decedent's will for probate; and

23 (2) a fee for any service rendered by the court  
24 regarding the administration of the decedent's estate.

1 SECTION 1.02. The changes in law made by this article apply  
2 only to the estate of a decedent who dies on or after the effective  
3 date of this Act. The estate of a decedent who dies before the  
4 effective date of this Act is governed by the law in effect on the  
5 date of the decedent's death, and the former law is continued in  
6 effect for that purpose.

7 ARTICLE 2. ESTATES CODE

8 SECTION 2.01. Subchapter B, Chapter 53, Estates Code, is  
9 amended by adding Section 53.054 to read as follows:

10 Sec. 53.054. EXEMPTION FROM PROBATE FEES FOR ESTATES OF  
11 CERTAIN LAW ENFORCEMENT OFFICERS, FIREFIGHTERS, AND OTHERS.

12 (a) In this section:

13 (1) "Eligible decedent" means an individual listed in  
14 Section 615.003, Government Code.

15 (2) "Line of duty" and "personal injury" have the  
16 meanings assigned by Section 615.021(e), Government Code.

17 (b) Notwithstanding any other law, the clerk of a court may  
18 not charge, or collect from, the estate of an eligible decedent any  
19 of the following fees if the decedent died as a result of a personal  
20 injury sustained in the line of duty in the individual's position as  
21 described by Section 615.003, Government Code:

22 (1) a fee for or associated with the filing of the  
23 decedent's will for probate; and

24 (2) a fee for any service rendered by the court  
25 regarding the administration of the decedent's estate.

26 SECTION 2.02. Section 11B, Texas Probate Code, as added by  
27 Article 1 of this Act, is repealed.

1 SECTION 2.03. This article takes effect January 1, 2014.

2 ARTICLE 3. EFFECTIVE DATE

3 SECTION 3.01. Except as otherwise provided by this Act,  
4 this Act takes effect September 1, 2011.