



Rep. Lakesia Collins

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10300HB1268ham001

LRB103 24821 LNS 58722 a

1 AMENDMENT TO HOUSE BILL 1268

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1268 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Probate Act of 1975 is amended by changing  
5 Section 6-13 as follows:

6 (755 ILCS 5/6-13) (from Ch. 110 1/2, par. 6-13)

7 Sec. 6-13. Who may act as executor.†

8 (a) A person who has attained the age of 18 years, ~~and~~ is a  
9 resident of the United States, is not of unsound mind, is not  
10 an adjudged person with a disability as defined in this Act, ~~and~~  
11 and, except as provided in subsection (c), has not been  
12 convicted of a felony† is qualified to act as executor.

13 (b) If a person named as executor in a will is not  
14 qualified to act at the time of admission of the will to  
15 probate but thereafter becomes qualified and files a petition  
16 for the issuance of letters, takes oath and gives bond as

1 executor, the court may issue letters testamentary to him as  
2 co-executor with the executor who has qualified or if no  
3 executor has qualified the court may issue letters  
4 testamentary to him and revoke the letters of administration  
5 with the will annexed.

6 (c) A person who has been convicted of a felony is  
7 qualified to act as an executor if: (i) the testator names that  
8 person as an executor and expressly acknowledges in the will  
9 that the testator is aware that the person has been convicted  
10 of a felony prior to the execution of the will or codicil; (ii)  
11 the person is not prohibited by law, including Sections 2-6,  
12 2-6.2, and 2-6.6, from receiving a share of the testator's  
13 estate; and (iii) the person is otherwise qualified to act as  
14 an executor under subsection (a).

15 (d) The court may in its discretion require a nonresident  
16 executor to furnish a bond in such amount and with such surety  
17 as the court determines notwithstanding any contrary provision  
18 of the will.

19 (Source: P.A. 99-143, eff. 7-27-15.)".