



Sen. Adriane Johnson

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10300HB1268sam001

LRB103 24821 LNS 60830 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, is
11 not currently incarcerated in State or federal prison, and,
12 except as provided in subsection (c), has not been convicted
13 of a felony† is qualified to act as executor.

14 (b) If a person named as executor in a will is not
15 qualified to act at the time of admission of the will to
16 probate but thereafter becomes qualified and files a petition

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

7 (c) A person who has been convicted of a felony is
8 qualified to act as an executor if: (i) the testator names that
9 person as an executor and expressly acknowledges in the will
10 that the testator is aware that the person has been convicted
11 of a felony, and if the felony is a financial crime that the
12 testator is aware that the felony is financial in nature,
13 prior to the execution of the will or codicil; (ii) the person
14 is not prohibited by law, including Sections 2-6, 2-6.2, and
15 2-6.6, from receiving a share of the testator's estate; and
16 (iii) the person is otherwise qualified to act as an executor
17 under subsection (a).

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

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