



Sen. Adriane Johnson

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10300HB1268sam003

LRB103 24821 LNS 61532 a

1 AMENDMENT TO HOUSE BILL 1268

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

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

7 (755 ILCS 5/6-13) (from Ch. 110 1/2, par. 6-13)

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

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

15 (b) If a person named as executor in a will is not  
16 qualified to act at the time of admission of the will to

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

8 (c) A person who has been convicted of a felony is  
9 qualified to act as an executor if: (i) the testator names that  
10 person as an executor and expressly acknowledges in the will  
11 that the testator is aware that the person has been convicted  
12 of a felony, and if the felony is a financial crime that the  
13 testator is aware that the felony is financial in nature,  
14 prior to the execution of the will or codicil; (ii) the person  
15 is not prohibited by law, including Sections 2-6, 2-6.2, and  
16 2-6.6, from receiving a share of the testator's estate; (iii)  
17 the person was not previously convicted of financial  
18 exploitation of an elderly person or a person with a  
19 disability, financial identity theft, or a similar crime in  
20 another state or in federal court; and (iv) the person is  
21 otherwise qualified to act as an executor under subsection  
22 (a).

23 (d) The court may in its discretion require a nonresident  
24 executor to furnish a bond in such amount and with such surety  
25 as the court determines notwithstanding any contrary provision  
26 of the will.

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