



Sen. Adriane Johnson

Filed: 5/8/2023

10300HB1268sam004

LRB103 24821 LNS 61609 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 prior to the execution of the will or codicil; (ii)
13 the person is not prohibited by law, including Sections 2-6,
14 2-6.2, and 2-6.6, from receiving a share of the testator's
15 estate; (iii) the person was not previously convicted of
16 financial exploitation of an elderly person or a person with a
17 disability, financial identity theft, or a similar crime in
18 another state or in federal court; and (iv) the person is
19 otherwise qualified to act as an executor under subsection
20 (a).

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

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