

# SB0321



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0321

Introduced 2/2/2023, by Sen. Adriane Johnson

### SYNOPSIS AS INTRODUCED:

755 ILCS 5/6-13  
755 ILCS 5/9-1

from Ch. 110 1/2, par. 6-13  
from Ch. 110 1/2, par. 9-1

Amends the Probate Act of 1975. Removes language providing that a person who has been convicted of a felony is not qualified to act as an executor or an administrator.

LRB103 26282 LNS 52642 b

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Probate Act of 1975 is amended by changing  
5 Sections 6-13 and 9-1 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, and is  
10 not an adjudged person with a disability as defined in this Act  
11 ~~and has not been convicted of a felony~~, is qualified to act as  
12 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  
17 executor, the court may issue letters testamentary to him as  
18 co-executor with the executor who has qualified or if no  
19 executor has qualified the court may issue letters  
20 testamentary to him and revoke the letters of administration  
21 with the will annexed.

22 The court may in its discretion require a nonresident  
23 executor to furnish a bond in such amount and with such surety

1 as the court determines notwithstanding any contrary provision  
2 of the will.

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

4 (755 ILCS 5/9-1) (from Ch. 110 1/2, par. 9-1)

5 Sec. 9-1. Who may act as administrator. A person who has  
6 attained the age of 18 years, is a resident of the United  
7 States, is not of unsound mind, and is not an adjudged person  
8 with a disability as defined in this Act ~~and has not been~~  
9 ~~convicted of a felony~~, is qualified to act as administrator.

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