

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 Safety Deposit Box Opening Act is amended by
5 changing Section 1 and by adding Section 5 as follows:

6 (755 ILCS 15/1) (from Ch. 17, par. 1501)

7 Sec. 1. Upon being furnished with satisfactory proof of
8 death of a sole lessee or the last surviving co-lessee of a
9 safe deposit box, the lessor shall open the box and examine the
10 contents in the presence of a person who presents himself and
11 furnishes an affidavit which states that (a) he is interested
12 in the filing of the lessee's will or in the arrangements for
13 his burial, (b) he believes the box may contain the will or
14 burial documents of the lessee and (c) he is an interested
15 person within the meaning of this Act. The lessor shall not
16 open the box in accordance with this Act if the lessor has
17 received a copy of letters of office of the representative of
18 the deceased lessee's estate or other applicable court order.
19 The lessor need not open the box if (a) the box has previously
20 been opened in accordance with this Act, (b) the lessor has
21 received notice of a written or oral objection from any person
22 or has reason to believe that there would be an objection, or
23 (c) the lessee's key or combination is not available.

1 For purposes of this Section Act, the term "interested
2 person" means any person who immediately prior to the death of
3 the lessee had the right of access to the box as a deputy, any
4 person named as executor in a copy furnished by him of a
5 purported will of the lessee, or the spouse, an adult
6 descendant, parent, brother or sister of the lessee. If the
7 affidavit states that none of the persons described above is
8 available to be present at the opening of the box, the term
9 "interested person" also means any other person who the lessor
10 in its sole discretion determines may have a legitimate
11 interest in the filing of the lessee's will or in the
12 arrangements for his burial.

13 For purposes of this Section, the ~~The~~ lessor shall remove
14 any document which appears to be a will or codicil and deliver
15 it to the clerk of the circuit court for the county in which
16 the lessee resided immediately prior to his or her death, if
17 known to the lessor, otherwise to the clerk of the circuit
18 court for the county in which the safe deposit box is located.
19 Delivery of a will or codicil called for herein may be made by
20 registered mail sent to the clerk of the said court. The lessor
21 may remove any burial documents and deliver them to the
22 interested person. No other contents may be removed pursuant to
23 this Section Act.

24 The lessor is not required to look into the truth of any
25 statement in the affidavit required to be furnished under
26 ~~section one of this~~ Section Act. The lessor's determination of

1 the fact situations to be met under this Section ~~act~~ shall be
2 conclusive and final. The lessor shall be fully protected in
3 relying conclusively on it.

4 (Source: P.A. 83-642.)

5 (755 ILCS 15/5 new)

6 Sec. 5. Public administrator; opening safety deposit box.

7 (a) In cases involving a public administrator in this
8 State, in which the public administrator has yet to determine
9 in his official capacity whether administration of the lessee's
10 estate is warranted under this Act the public administrator
11 shall execute and furnish to the lessor an affidavit stating:
12 (1) The public administrator, in his official capacity, is
13 conducting a preliminary investigation and inventory of the
14 decedent lessee's estate; (2) The public administrator, as of
15 the date of the affidavit, has not yet been able to obtain
16 sufficient assets and estate information to warrant the
17 representation and administration of the decedent lessee's
18 estate; and (3) The public administrator reasonably believes
19 that the decedent lessee's safety deposit box may contain such
20 assets and estate information which may provide sufficient
21 grounds for the administration of the estate. Upon receipt of
22 the public administrator's affidavit, the lessor shall open the
23 lessee's box and shall permit the public administrator, in the
24 presence of the lessor, to examine and catalogue the contents
25 of the box. During the course of the examination, the public

1 administrator will not be able to remove any contents from the
2 box, without first presenting to the lessor a copy of letters
3 of office issued to him in representation of the lessee's
4 estate.

5 (b) In cases involving a public administrator in this
6 State, in which the public administrator has been issued
7 letters of office, the public administrator shall provide a
8 copy of such letters of office to the lessor and the lessor
9 shall, upon receipt of such copy from the public administrator,
10 open the lessee's box for examination of its contents by the
11 public administrator. The public administrator shall be
12 permitted to remove any such items in the box he properly deems
13 to be an asset of value of the estate which need to be secured
14 and held by the public administrator in his official duties as
15 the administrator of the lessee's estate. For purposes of this
16 Section, the lessor shall open the box for such public
17 administrator who presents an affidavit in accordance with the
18 provisions of this Section regardless of whether the decedent
19 lessee's key or combination is available.

20 (c) A lessor who provides access to a safety deposit box
21 pursuant to this Section shall not be liable to any person as a
22 result of the lessor's actions in compliance with this Section.