

# HB1268



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1268

Introduced 1/31/2023, by Rep. Lakesia Collins - Daniel Didech

### SYNOPSIS AS INTRODUCED:

755 ILCS 5/6-13

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

Amends the Probate Act of 1975. Provides that a person who has been convicted of a felony is qualified to act as an executor if: (i) the testator names that person as an executor and expressly acknowledges in the will that the testator is aware that the person has been convicted of a felony; and (ii) the person is otherwise qualified to act as an executor.

LRB103 24821 LNS 51152 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 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, ~~and,~~  
11 except as provided in subsection (c), has not been  
12 convicted of a felony➤ is qualified to act as 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 (c) A person who has been convicted of a felony is  
23 qualified to act as an executor if: (i) the testator names that

1 person as an executor and expressly acknowledges in the will  
2 that the testator is aware that the person has been convicted  
3 of a felony; and (ii) the person is otherwise qualified to act  
4 as an executor under subsection (a).

5 (d) The court may in its discretion require a nonresident  
6 executor to furnish a bond in such amount and with such surety  
7 as the court determines notwithstanding any contrary provision  
8 of the will.

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