

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, is
11 not currently incarcerated in State or federal prison, and,
12 except as provided in subsection (c), has not been convicted
13 of a felony➤ is qualified to act as executor.

14 (b) If a person named as executor in a will is not
15 qualified to act at the time of admission of the will to
16 probate but thereafter becomes qualified and files a petition
17 for the issuance of letters, takes oath and gives bond as
18 executor, the court may issue letters testamentary to him as
19 co-executor with the executor who has qualified or if no
20 executor has qualified the court may issue letters
21 testamentary to him and revoke the letters of administration
22 with the will annexed.

23 (c) A person who has been convicted of a felony is

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

13 (d) The court may in its discretion require a nonresident
14 executor to furnish a bond in such amount and with such surety
15 as the court determines notwithstanding any contrary provision
16 of the will.

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