

# HB3661



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3661

Introduced 2/17/2023, by Rep. Ryan Spain

### SYNOPSIS AS INTRODUCED:

35 ILCS 405/4.1 new

Amends the Illinois Estate and Generation-Skipping Transfer Tax Act. Provides that a decedent dying on or after January 1, 2024 may, in a written revocable testamentary document, allocate all or a portion of the decedent's unused exclusion amount, including any deceased spousal unused exclusion amount that is available to the decedent, to one or more children of the decedent. Provides that, if such an allocation is made, the amount so allocated shall not be available to the decedent's surviving spouse as a deceased spousal unused exclusion amount. Effective immediately.

LRB103 05175 HLH 50190 b

A BILL FOR

1 AN ACT concerning revenue.

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

4 Section 5. The Illinois Estate and Generation-Skipping  
5 Transfer Tax Act is amended by adding Section 4.1 as follows:

6 (35 ILCS 405/4.1 new)

7 Sec. 4.1. Unused exclusion amount; child. Notwithstanding  
8 any other provision of law, a decedent dying on or after  
9 January 1, 2024 may, in a written revocable testamentary  
10 document, allocate all or a portion of the decedent's unused  
11 exclusion amount, including any deceased spousal unused  
12 exclusion amount that is available to the decedent, to one or  
13 more children of the decedent. If such an allocation is made,  
14 the amount so allocated shall not be available to the  
15 decedent's surviving spouse as a deceased spousal unused  
16 exclusion amount.

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.