

# STATE OF NEW YORK

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2573--A

2021-2022 Regular Sessions

## IN ASSEMBLY

January 19, 2021

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Introduced by M. of A. FALL, DICKENS, WILLIAMS, SAYEGH, GOTTFRIED, O'DONNELL, EPSTEIN, BARRON, PICHARDO -- Multi-Sponsored by -- M. of A. COOK -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the surrogate's court procedure act, in relation to removing the prohibition on individuals convicted of a felony that prevents them from being appointed fiduciary of an estate

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraphs (d) and (e) of subdivision 1 and subdivision 2  
2 of section 707 of the surrogate's court procedure act, paragraph (e) of  
3 subdivision 1 as amended by chapter 514 of the laws of 1993, are amended  
4 to read as follows:

5 (d) [~~a-felon~~  
6 ~~(e)~~] one who does not possess the qualifications required of a fiduci-  
7 ary by reason of substance abuse, dishonesty, improvidence, want of  
8 understanding, or who is otherwise unfit for the execution of the  
9 office.

10 2. Persons ineligible in court's discretion. The court may declare  
11 ineligible to act as fiduciary:

12 (a) a person unable to read and write the English language; or  
13 (b) an individual convicted of a felony whose crime may be adverse to  
14 the welfare of the estate, including but not limited to, crimes such as  
15 embezzlement or any crime where there was a misappropriation of money or  
16 a breach of fiduciary duty.

17 § 2. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[~~-~~] is old law to be omitted.

LBD02510-02-1