

S. 1852--A

A. 1454--A

2013-2014 Regular Sessions

S E N A T E - A S S E M B L Y

(PREFILED)

January 9, 2013

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. THIELE -- 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 establishing a registry of wills and codicils

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The surrogate's court procedure act is amended by adding a
2 new section 2510 to read as follows:
3 S 2510. REGISTRY OF WILLS AND CODICILS
4 1. EACH COUNTY SHALL ESTABLISH AND MAINTAIN A REGISTRY OF WILLS AND
5 CODICILS EXECUTED IN THE COUNTY FOR WHICH SUCH COURT HAS JURISDICTION.
6 SUCH REGISTRY SHALL BE AVAILABLE FOR PUBLIC INSPECTION AND SHALL INCLUDE
7 THE FOLLOWING INFORMATION:
8 (A) THE NAME OF THE TESTATOR OR TESTATRIX;
9 (B) THE DATE ON WHICH SUCH WILL OR CODICIL WAS EXECUTED;
10 (C) IF A CODICIL, THE DATE OF EXECUTION OF THE WILL SUCH CODICIL
11 AMENDS; AND
12 (D) THE PHYSICAL ADDRESS AT WHICH SUCH WILL OR CODICIL IS LOCATED.
13 2. UPON THE EXECUTION OF ANY WILL OR CODICIL, THE ATTORNEY FOR THE
14 TESTATOR OR TESTATRIX SHALL, WITHIN TEN DAYS AFTER ITS EXECUTION, DELIV-
15 ER TO THE COURT THE INFORMATION SET FORTH IN SUBDIVISION ONE OF THIS
16 SECTION FOR INCLUSION IN THE REGISTRY OF WILLS AND CODICILS. SUCH INFOR-
17 MATION MAY BE DELIVERED BY MAIL OR ELECTRONIC MEANS AND SHALL BE DELIV-
18 ERED IN THE FOLLOWING FORM, OR SUBSTANTIALLY SIMILAR FORM:

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

LBD01626-02-3

1 "REGISTRY OF WILLS AND CODICILS
2 COUNTY OF (INSERT COUNTY OF TESTATOR/TESTATRIX RESIDENCE)

3 NAME OF TESTATOR/TESTATRIX: ()
4 DATE WILL OR CODICIL WAS EXECUTED: ()
5 IF CODICIL, DATE OF ORIGINAL WILL: ()
6 PHYSICAL ADDRESS WHERE WILL ()
7 IS LOCATED; NO P.O. BOX: ()
8 () "

9 3. THE COURT SHALL MAINTAIN THE FORMAT AND CONTENT OF SUCH REGISTRY ON
10 A COMPUTERIZED DATA BASE WHICH SHALL BE UPDATED AT LEAST MONTHLY AND
11 SHALL PROVIDE A METHOD FOR WHICH REGISTRY INFORMATION MAY BE DELIVERED
12 TO THE COURT ELECTRONICALLY. THE COURT SHALL PROVIDE PUBLIC ACCESS TO
13 SUCH COMPUTERIZED DATA BASE IN A MANNER THAT ALLOWS INDIVIDUALS TO
14 SEARCH THE REGISTRY OF WILLS AND CODICILS BY NAME, DATE OR ADDRESS.

15 4. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE ANY TESTATOR
16 OR TESTATRIX TO FILE A WILL OR CODICIL UPON ITS EXECUTION.

17 5. NO WILL OR CODICIL SHALL BE DEEMED NULL, VOID OR OTHERWISE WITHOUT
18 EFFECT DUE TO NONCOMPLIANCE WITH THE PROVISIONS OF THIS SECTION.

19 S 2. This act shall take effect on the ninetieth day after it shall
20 have become a law.