STATE OF NEW YORK

8983

IN SENATE

September 16, 2020

Introduced by Sen. MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

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

(d) [~~a felon~~

~~(e)~~] one who does not possess the qualifications required of a fiduciary by reason of substance abuse, dishonesty, improvidence, want of understanding, or who is otherwise unfit for the execution of the office.

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

(a) a person unable to read and write the English language**; or**

(b) an individual convicted of a felony whose crime may be adverse to the welfare of the estate, including but not limited to, crimes such as embezzlement or any crime where there was a misappropriation of money or a breach of fiduciary duty.

3. Interpreter. Upon request of a person subject to the court's discretion under subdivision two of this section, the court shall provide an interpreter to interpret the testimony of any person who does not speak the English language well enough to be readily understood.

§ 2. This act shall take effect immediately.

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

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