STATE OF NEW YORK

294--A

Cal. No. 522

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. MYRIE, JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 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.

§ 2. This act shall take effect immediately.

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

LBD02510-03-1