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House Bill 5795 (Substitute S-1 as reported)
Sponsor: Representative Graham Filler
House Committee: Judiciary
Senate Committee: Judiciary and Public Safety

CONTENT

The bill would amend the Estates and Protected Individuals Code (EPIC) to modify provisions governing the creation of a valid will to allow for the creation of an electronic will and allow an individual to create a certified paper copy of an electronic will.

Under EPIC, except as provided otherwise, a will is valid only if it is all of the following:

- In writing.
- Signed by the testator or in the testator's name by some other individual in the testator's conscious presence and by the testator's direction.
- Signed by at least two individuals, each of whom signed within a reasonable time after he or she witnessed either the signing of the will or the testator's acknowledgment of that signature or acknowledgment of the will.

Instead, under the bill, a will would be valid only if it were all of the following:

- Either in writing *or a record that was readable as text at the time of the signing*.
- Signed by the testator or in the testator's name by some other individual in the testator's conscious presence and by the testator's direction.
- Signed by at least two individuals, *either in person or in electronic presence*, each of whom signed within a reasonable time after he or she witnessed either the signing of the will or the testator's acknowledgment of that signature or acknowledgment of the will.

The bill would allow an individual to create a certified paper copy of an electronic will by affirming under penalty of perjury that a paper copy of the electronic will is a complete, true, and accurate copy of the electronic will. If the electronic will were made self-proving, the certified paper copy of the will would have to include the self-proving affidavits.

MCL 700.2502 et al.

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 12-14-20

Fiscal Analyst: Michael Siracuse

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Bill Analysis @ www.senate.michigan.gov/sfa

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