

HOUSE BILL NO. 5795

May 20, 2020, Introduced by Reps. Filler and Elder and referred to the Committee on Judiciary.

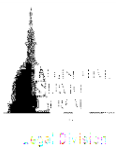
A bill to amend 1998 PA 386, entitled
"Estates and protected individuals code,"
by amending section 2502 (MCL 700.2502) and by adding section
2504a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2502. (1) Except as provided in subsection (2) and in
2 sections 2503, 2506, and 2513, a will is valid only if it is all of
3 the following:

4 (a) **Either of the following:**

5 (i) ~~(a)~~—In writing.



1 (ii) A record that is readable as text at the time of the
2 signing under subdivision (b).

3 (b) Signed by the testator or in the testator's name by some
4 other individual in the testator's conscious presence and by the
5 testator's direction.

6 (c) Signed by at least 2 individuals, each of whom signed
7 within a reasonable time after he or she witnessed either the
8 signing of the will as described in subdivision (b) or the
9 testator's acknowledgment of that signature or acknowledgment of
10 the will.

11 (2) A will that does not comply with subsection (1) is valid
12 as a holographic will, whether or not witnessed, if it is dated,
13 and if the testator's signature and the document's material
14 portions are in the testator's handwriting.

15 (3) Intent that the document constitutes a testator's will can
16 be established by extrinsic evidence, including, for a holographic
17 will, portions of the document that are not in the testator's
18 handwriting.

19 (4) As used in this section:

20 (a) "Electronic" means relating to technology having
21 electrical, digital, magnetic, wireless, optical, electromagnetic,
22 or similar capabilities.

23 (b) "Record" means information that is inscribed on a tangible
24 medium or that is stored in an electronic or other medium and is
25 retrievable in perceivable form.

26 (c) "Sign" means with present intent to authenticate or adopt
27 a record to do either of the following:

28 (i) Execute or adopt a tangible symbol.

29 (ii) Affix to or logically associate with the record an



1 electronic symbol or process.

2 Sec. 2504a. An individual may create a certified paper copy of
3 an electronic will by affirming under penalty of perjury that a
4 paper copy of the electronic will is a complete, true, and accurate
5 copy of the electronic will. If the electronic will is made self-
6 proving, the certified paper copy of the will must include the
7 self-proving affidavits. As used in this section, "electronic will"
8 means a will that is both of the following:

9 (a) Readable under section 2502(1)(a)(ii).

10 (b) Signed under section 2502(4)(c)(ii).

