

Senate File 2240 - Introduced

SENATE FILE 2240
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3014)

A BILL FOR

1 An Act relating to wills, including witness requirements
2 for the execution of a will and procedure for wills to be
3 admitted into probate.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 633.279, Code 2022, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 3. *Electronic presence requirements.* For
4 electronic presence, the testator must provide verbal answers
5 to all of the following questions, asked in substantially the
6 following manner before signing:

7 a. Are you currently married? If so, please state the name
8 of your spouse.

9 b. Please state the names of anyone who assisted you in
10 accessing the video conference today.

11 c. Please state the names of anyone who assisted you in
12 preparing or reviewing the documents you are signing today.

13 d. Where are you currently located?

14 e. Who is in the room with you?

15 NEW SUBSECTION. 4. *Definition.* For purposes for this
16 section, "presence" means any manner, physical or electronic, in
17 which the witnesses and testator can see and hear the acts of
18 each other in real time.

19 Sec. 2. Section 633.301, Code 2022, is amended to read as
20 follows:

21 **633.301 Copy of will for executor.**

22 ~~When~~ Upon request by the executor, when a will has been
23 admitted to probate and certified pursuant to [section 633.300](#),
24 the clerk shall cause a certified copy thereof to be placed
25 in the hands of the executor to whom letters are issued. The
26 clerk shall retain the will in a separate file provided for
27 that purpose until the time for contest has expired, and
28 promptly thereafter shall place it with the files of the
29 estate.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with
32 the explanation's substance by the members of the general assembly.

33 This bill relates to requirements regarding wills.

34 To be valid, all wills and codicils must be in writing
35 and signed in the presence of two witnesses, whether the

1 will is formally executed or self-proved. The bill provides
2 that "presence" means any manner, physical or electronic, in
3 which the witnesses and testator can see and hear the acts of
4 each other in real time. The bill provides questions that a
5 testator must provide verbal answers to meet the requirements
6 of electronic presence prior to signing a will or codicil.
7 Under current law, when a will has been certified and
8 admitted to probate, the clerk must provide a certified copy
9 of the will to the executor. The bill provides that the
10 clerk must provide a certified copy of the will only upon the
11 executor's request.