

AN ACT concerning civil law.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Probate Act of 1975 is amended by changing Section 6-13 as follows:

(755 ILCS 5/6-13) (from Ch. 110 1/2, par. 6-13)

Sec. 6-13. Who may act as executor.➤

(a) A person who has attained the age of 18 years, ~~and~~ is a resident of the United States, is not of unsound mind, is not an adjudged person with a disability as defined in this Act, is not currently incarcerated in State or federal prison, and, except as provided in subsection (c), has not been convicted of a felony, ➤ is qualified to act as executor.

(b) If a person named as executor in a will is not qualified to act at the time of admission of the will to probate but thereafter becomes qualified and files a petition for the issuance of letters, takes oath and gives bond as executor, the court may issue letters testamentary to him as co-executor with the executor who has qualified or if no executor has qualified the court may issue letters testamentary to him and revoke the letters of administration with the will annexed.

(c) A person who has been convicted of a felony is

qualified to act as an executor if: (i) the testator names that person as an executor and expressly acknowledges in the will that the testator is aware that the person has been convicted of a felony prior to the execution of the will or codicil; (ii) the person is not prohibited by law, including Sections 2-6, 2-6.2, and 2-6.6, from receiving a share of the testator's estate; (iii) the person was not previously convicted of financial exploitation of an elderly person or a person with a disability, financial identity theft, or a similar crime in another state or in federal court; and (iv) the person is otherwise qualified to act as an executor under subsection (a).

(d) The court may in its discretion require a nonresident executor to furnish a bond in such amount and with such surety as the court determines notwithstanding any contrary provision of the will.

(Source: P.A. 99-143, eff. 7-27-15.)