

SB 221 STAFF MEASURE SUMMARY

Carrier: Sen. Gelser

**Senate Committee On Judiciary and Ballot Measure 110
Implementation**

Action Date: 03/23/21

Action: Do pass.

Vote: 4-3-0-0

Yeas: 4 - Dembrow, Gelser, Manning Jr, Prozanski

Nays: 3 - Heard, Linthicum, Thatcher

Fiscal: No fiscal impact

Revenue: No revenue impact

Prepared By: Channa Newell, Counsel

Meeting Dates: 2/25, 3/23

WHAT THE MEASURE DOES:

Corrects error in process to establish that a decedent's writing was intended to be a partial or complete revocation of the decedent's will. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Efforts of Oregon Law Commission Probate Modernization Work Group
- Provisions of measure

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon statutes provide a process for courts to determine if a writing is intended to be a will or revocation of a will. ORS 112.238 (2) describes the process for determining that a writing is a will while subsection (3) provides the process to determine if a writing is a will, or a partial or complete revocation of a will. Because subsection (3) references determining if a writing is a will, it confuses the process outlined in subsection (2).

Senate Bill 221 removes language referencing the determination that a writing is a will from subsection (3), thereby clarifying the process in both situations and makes this change effective on passage.