

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: SB221

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Obenshain

3. Committee: Senate Committee on the Judiciary

4. Title: Will indices available on online

5. Summary: The proposed bill requires circuit court clerks to make their will indices available to the public in online, searchable databases.

6. Budget Amendment Necessary: Yes, Item 39

7. Fiscal Impact Estimates: Preliminary (see Item #8)

8. Fiscal Implications: Currently, a person or his attorney may lodge their executed will for safekeeping with the clerk of the circuit court serving the jurisdiction where the person resides. The clerk receiving the executed will must i) place the will in an envelope and seal it securely, ii) number the envelope and endorse it with the number of the testator and the date on which it was lodged, and iii) index the same alphabetically by name of both the testator and the executor then qualified in a permanent index that shows the number and date such will was deposited.

The proposed bill would require the index be made available to the public in an online, searchable database. According to the Office of the Executive Secretary of the Supreme Court (OES), a platform would need to be developed for circuit court clerks to display indices online. OES believes existing electronic systems could be enhanced to fulfill the requirements of this bill. The expected one-time cost to redevelop the systems, perform quality assurance and train system users is estimated to be \$49,156.

9. Specific Agency or Political Subdivisions Affected: Courts and circuit court clerks

10. Technical Amendment Necessary: No

11. Other Comments: None