

# 3B:3-2.1

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2005 **CHAPTER:** 97

**NJSA:** 3B:3-2.1 (Establishes optional will registry)

**BILL NO:** A1981 (Substituted for S2237)

**SPONSOR(S):** Cryan and others

**DATE INTRODUCED:** January 26, 2004

**COMMITTEE:** **ASSEMBLY:** Judiciary  
**SENATE:** Judiciary

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:** **ASSEMBLY:** June 21, 2004

**SENATE:** May 12, 2005

**DATE OF APPROVAL:** June 15, 2005

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

[FINAL TEXT OF BILL](#) (Original version of bill enacted)

**A1981**

[SPONSOR'S STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **ASSEMBLY:** [Yes](#)

**SENATE:** [Yes](#)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**S2237**

[SPONSOR'S STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **ASSEMBLY:** No

**SENATE:** [Yes](#)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

IS 6/1/07

P.L. 2005, CHAPTER 97, *approved June 15, 2005*  
Assembly, No. 1981

1 AN ACT creating a will registry and supplementing Title 3B of the  
2 New Jersey Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6

7 1. a. The Secretary of State shall create and maintain a will  
8 registry in which a testator or his attorney may register information  
9 regarding the testator's will. The information contained in such  
10 registry shall include the name of the person making the will, the date  
11 the will was made, and sufficient identification of the location of the  
12 will at the time of registration. The registry shall not contain a copy  
13 of the will.

14 b. The fee for registration of a will shall be \$10.00, which shall be  
15 deposited by the Secretary of State in the General Fund.

16 c. The existence or nonexistence of a registration for a particular  
17 will shall not be considered as evidence in any proceeding relating to  
18 such will, and the failure to file information about a will in the will  
19 registry shall not be a factor in determining the validity of the will.

20 d. The fee for application to the Secretary of State to conduct a  
21 search of the registry shall be \$10.00, which shall be deposited by the  
22 Secretary of State in the General Fund. Only interested persons and  
23 their representatives may conduct a search of the registry. As used in  
24 this act, "interested persons" means children, spouses, potential heirs,  
25 devisees, fiduciaries, creditors, beneficiaries and any others having a  
26 property right in or claim against a trust estate or the estate of a  
27 decedent which may be affected by the proceeding.

28 e. The Secretary of State shall not be liable for the accuracy of the  
29 representation of the person conducting a search of the registry or for  
30 the accuracy of the information contained in the registry.

31

32 2. The Secretary of State shall promulgate regulations pursuant to  
33 the provisions of the "Administrative Procedure Act," P.L.1968, c.410  
34 (C.52:14B-1 et seq.) to effectuate the provisions of this act.

35

36 3. This act shall take effect on the 90th day following enactment  
37 except for section 2, which shall take effect immediately.

38

39

STATEMENT

40

41 This bill would establish an optional will registry system. The intent  
42 of the bill is to avoid the problem of family members and friends not

1 knowing whether or not a decedent left a will or, if they do know that  
2 there is a will, not knowing its location.

3 The bill provides that a person making a will or the person's  
4 attorney could register information concerning the location of the will  
5 with the will registry, which would be maintained by the Secretary of  
6 State. The information in the will registry would include the name of  
7 the person making the will, the date the will was made, and sufficient  
8 identification of the location of the will at the time of registration. The  
9 will registry would not keep a copy of the will itself.

10 The fee for registration of a will would be \$10.00. In addition,  
11 there would be a \$10.00 fee to conduct a search of the registry. The  
12 bill provides that only interested persons and their representatives  
13 would be entitled to conduct a search of the registry, and defines  
14 "interested persons" as children, spouses, potential heirs, devisees,  
15 fiduciaries, creditors, beneficiaries and any others having a property  
16 right in or claim against a trust estate or the estate of a decedent which  
17 may be affected by the proceeding.

18 The bill also provides that the existence or nonexistence of a  
19 registration for a particular will could not be considered as evidence  
20 in any proceeding relating to such will, and the failure to file  
21 information about a will in the will registry could not be a factor in  
22 determining the validity of the will. In addition, the bill provides that  
23 the Secretary of State would not be liable for the accuracy of the  
24 representation of the person conducting a search of the registry or for  
25 the accuracy of the information contained in the registry.

26 The bill is modeled on a statute enacted in the state of Idaho in  
27 2000.

28

29

30

31

32 Establishes optional will registry.

# ASSEMBLY, No. 1981

## STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED JANUARY 26, 2004

**Sponsored by:**

**Assemblyman JOSEPH CRYAN**

**District 20 (Union)**

**Assemblyman PATRICK DIEGNAN, JR.**

**District 18 (Middlesex)**

**Assemblyman PETER J. BARNES, JR.**

**District 18 (Middlesex)**

**Co-Sponsored by:**

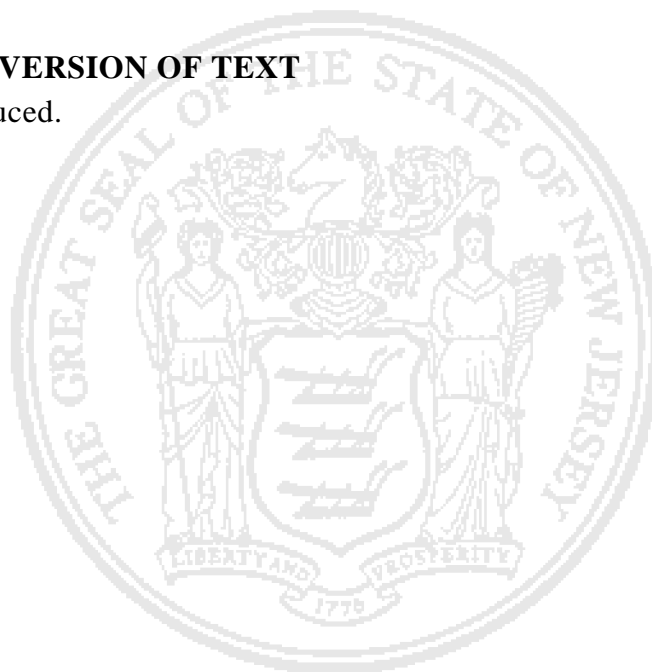
**Assemblymen Chivukula, Chiappone and Senator Palaia**

**SYNOPSIS**

Establishes optional will registry.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/13/2005)**

1 AN ACT creating a will registry and supplementing Title 3B of the  
2 New Jersey Statutes.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. a. The Secretary of State shall create and maintain a will  
8 registry in which a testator or his attorney may register information  
9 regarding the testator's will. The information contained in such  
10 registry shall include the name of the person making the will, the date  
11 the will was made, and sufficient identification of the location of the  
12 will at the time of registration. The registry shall not contain a copy  
13 of the will.

14 b. The fee for registration of a will shall be \$10.00, which shall be  
15 deposited by the Secretary of State in the General Fund.

16 c. The existence or nonexistence of a registration for a particular  
17 will shall not be considered as evidence in any proceeding relating to  
18 such will, and the failure to file information about a will in the will  
19 registry shall not be a factor in determining the validity of the will.

20 d. The fee for application to the Secretary of State to conduct a  
21 search of the registry shall be \$10.00, which shall be deposited by the  
22 Secretary of State in the General Fund. Only interested persons and  
23 their representatives may conduct a search of the registry. As used in  
24 this act, "interested persons" means children, spouses, potential heirs,  
25 devisees, fiduciaries, creditors, beneficiaries and any others having a  
26 property right in or claim against a trust estate or the estate of a  
27 decedent which may be affected by the proceeding.

28 e. The Secretary of State shall not be liable for the accuracy of the  
29 representation of the person conducting a search of the registry or for  
30 the accuracy of the information contained in the registry.

31  
32 2. The Secretary of State shall promulgate regulations pursuant to  
33 the provisions of the "Administrative Procedure Act," P.L.1968, c.410  
34 (C.52:14B-1 et seq.) to effectuate the provisions of this act.

35  
36 3. This act shall take effect on the 90th day following enactment  
37 except for section 2, which shall take effect immediately.

38  
39  
40 STATEMENT

41  
42 This bill would establish an optional will registry system. The intent  
43 of the bill is to avoid the problem of family members and friends not  
44 knowing whether or not a decedent left a will or, if they do know that  
45 there is a will, not knowing its location.

46 The bill provides that a person making a will or the person's

1 attorney could register information concerning the location of the will  
2 with the will registry, which would be maintained by the Secretary of  
3 State. The information in the will registry would include the name of  
4 the person making the will, the date the will was made, and sufficient  
5 identification of the location of the will at the time of registration. The  
6 will registry would not keep a copy of the will itself.

7 The fee for registration of a will would be \$10.00. In addition,  
8 there would be a \$10.00 fee to conduct a search of the registry. The  
9 bill provides that only interested persons and their representatives  
10 would be entitled to conduct a search of the registry, and defines  
11 "interested persons" as children, spouses, potential heirs, devisees,  
12 fiduciaries, creditors, beneficiaries and any others having a property  
13 right in or claim against a trust estate or the estate of a decedent which  
14 may be affected by the proceeding.

15 The bill also provides that the existence or nonexistence of a  
16 registration for a particular will could not be considered as evidence  
17 in any proceeding relating to such will, and the failure to file  
18 information about a will in the will registry could not be a factor in  
19 determining the validity of the will. In addition, the bill provides that  
20 the Secretary of State would not be liable for the accuracy of the  
21 representation of the person conducting a search of the registry or for  
22 the accuracy of the information contained in the registry.

23 The bill is modeled on a statute enacted in the state of Idaho in  
24 2000.

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 1981

# STATE OF NEW JERSEY

DATED: JUNE 14, 2004

The Assembly Judiciary Committee reports favorably Assembly Bill No. 1981.

This bill would establish an optional will registry system. The intent of the bill is to avoid the problem of family members and friends not knowing whether or not a decedent left a will or, if they do know that there is a will, not knowing its location.

The bill provides that a person making a will or the person's attorney could register information concerning the location of the will with the will registry, which would be maintained by the Secretary of State. The information in the will registry would include the name of the person making the will, the date the will was made, and sufficient identification of the location of the will at the time of registration. The will registry would not keep a copy of the will itself.

The fee for registration of a will would be \$10.00. In addition, there would be a \$10.00 fee to conduct a search of the registry. The bill provides that only interested persons and their representatives would be entitled to conduct a search of the registry, and defines "interested persons" as children, spouses, potential heirs, devisees, fiduciaries, creditors, beneficiaries and any others having a property right in or claim against a trust estate or the estate of a decedent which may be affected by the proceeding.

The bill also provides that the existence or nonexistence of a registration for a particular will could not be considered as evidence in any proceeding relating to such will, and the failure to file information about a will in the will registry could not be a factor in determining the validity of the will. In addition, the bill provides that the Secretary of State would not be liable for the accuracy of the representation of the person conducting a search of the registry or for the accuracy of the information contained in the registry.

The bill is modeled on a statute enacted in the state of Idaho in 2000.



SENATE JUDICIARY COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1981**

**STATE OF NEW JERSEY**

DATED: JANUARY 24, 2005

The Senate Judiciary Committee reports favorably Assembly Bill No. 1981.

This bill would establish an optional will registry system. The intent of the bill is to avoid the problem of family members and friends not knowing whether or not a decedent left a will or, if they do know that there is a will, not knowing its location.

The bill provides that a person making a will or the person's attorney could register information concerning the location of the will with the will registry, which would be maintained by the Secretary of State. The information in the will registry would include the name of the person making the will, the date the will was made, and sufficient identification of the location of the will at the time of registration. The will registry would not keep a copy of the will itself.

The fee for registration of a will would be \$10.00. In addition, there would be a \$10.00 fee to conduct a search of the registry. The bill provides that only interested persons and their representatives would be entitled to conduct a search of the registry, and defines "interested persons" as children, spouses, potential heirs, devisees, fiduciaries, creditors, beneficiaries and any others having a property right in or claim against a trust estate or the estate of a decedent which may be affected by the proceeding.

The bill also provides that the existence or nonexistence of a registration for a particular will could not be considered as evidence in any proceeding relating to such will, and the failure to file information about a will in the will registry could not be a factor in determining the validity of the will. In addition, the bill provides that the Secretary of State would not be liable for the accuracy of the representation of the person conducting a search of the registry or for the accuracy of the information contained in the registry.

This bill is identical to Senate, No. 2237.

**SENATE, No. 2237**

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**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

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INTRODUCED JANUARY 24, 2005

**Sponsored by:**  
**Senator JOSEPH A. PALAIA**  
**District 11 (Monmouth)**

**SYNOPSIS**

Establishes optional will registry.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT creating a will registry and supplementing Title 3B of the  
2 New Jersey Statutes.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. a. The Secretary of State shall create and maintain a will  
8 registry in which a testator or his attorney may register information  
9 regarding the testator's will. The information contained in such  
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13 of the will.

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15 deposited by the Secretary of State in the General Fund.

16 c. The existence or nonexistence of a registration for a particular  
17 will shall not be considered as evidence in any proceeding relating to  
18 such will, and the failure to file information about a will in the will  
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21 search of the registry shall be \$10.00, which shall be deposited by the  
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23 their representatives may conduct a search of the registry. As used in  
24 this act, "interested persons" means children, spouses, potential heirs,  
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43 of the bill is to avoid the problem of family members and friends not  
44 knowing whether or not a decedent left a will or, if they do know that

**S2237 PALAIA**

1 there is a will, not knowing its location.

2 The bill provides that a person making a will or the person's  
3 attorney could register information concerning the location of the will  
4 with the will registry, which would be maintained by the Secretary of  
5 State. The information in the will registry would include the name of  
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21 determining the validity of the will. In addition, the bill provides that  
22 the Secretary of State would not be liable for the accuracy of the  
23 representation of the person conducting a search of the registry or for  
24 the accuracy of the information contained in the registry.

25 The bill is modeled on a statute enacted in the state of Idaho in  
26 2000.

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

### SENATE, No. 2237

# STATE OF NEW JERSEY

DATED: JANUARY 24, 2005

The Senate Judiciary Committee reports favorably Senate Bill No. 2237.

This bill would establish an optional will registry system. The intent of the bill is to avoid the problem of family members and friends not knowing whether or not a decedent left a will or, if they do know that there is a will, not knowing its location.

The bill provides that a person making a will or the person's attorney could register information concerning the location of the will with the will registry, which would be maintained by the Secretary of State. The information in the will registry would include the name of the person making the will, the date the will was made, and sufficient identification of the location of the will at the time of registration. The will registry would not keep a copy of the will itself.

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This bill is identical to Assembly, No. 1981.