## SENATE FILE NO. SF0099

Witnessing of wills-remote methods.

Sponsored by: Senator(s) Barlow, Baldwin and Nethercott and Representative(s) Brown, Chestek, Crago, Larsen, L, Nicholas and Zwonitzer, Dn

## A BILL

for

- 1 AN ACT relating to wills; authorizing witnesses to wills to
- 2 appear electronically as specified; making conforming
- 3 amendments; and providing for an effective date.

4

5 Be It Enacted by the Legislature of the State of Wyoming:

6

- 7 **Section 1.** W.S. 2-6-112 and 2-6-114(a) and (c) are
- 8 amended to read:

9

- 10 2-6-112. Will to be in writing; number and competency
- 11 of witnesses; signature of testator; subscribing witness
- 12 not to benefit; exception.

13

- 14 (a) Except as provided in the next section W.S.
- 15 2-6-113, all wills to be valid shall be in writing, or

typewritten, witnessed by two (2) competent witnesses and 1 2 signed by the testator or by some person in his presence 3 and by his express direction. If the witnesses 4 competent at the time of attesting the execution of the 5 will, their subsequent incompetency shall not prevent the probate and allowance of the will. No subscribing witness 6 7 to any will can derive any benefit therefrom unless there 8 are two (2) disinterested and competent witnesses to the same, but if without a will the witness would be entitled 9 10 to any portion of the testator's estate, the witness may still receive the portion to the extent and value of the 11 12 amount devised. 13 (b) Witnesses to a will may appear in person or by 14 15 the use of audio-video communication technology, provided 16 that the witnesses can see and hear the testator in real 17 time, have the opportunity to judge the competency of the

19 <u>electronically</u> and can determine that the testator is

20 freely and voluntarily signing and executing the will.

2

testator, have the ability to securely sign the will

22 2-6-114. Self-proving wills.

23

21

18

| 1  | (a) Any will may be simultaneously executed, attested       |
|----|---|
| 2  | and made self-proven, by the acknowledgment thereof by the  |
| 3  | testator and the affidavits of the witnesses, each made     |
| 4  | before an officer authorized to administer oaths under the  |
| 5  | laws of the state where execution occurs and evidenced by   |
| б  | the officer's certificate under official seal, in form and  |
| 7  | content substantially as follows:                           |
| 8  |   |
| 9  | I,, the testator, sign my name to this instrument           |
| 10 | this day of, (year), and being first duly sworn,            |
| 11 | do hereby declare to the undersigned authority that I sign  |
| 12 | and execute this instrument as my last will and that I sign |
| 13 | it willingly (or willingly direct another to sign for me),  |
| 14 | that I execute it as my free and voluntary act for the      |
| 15 | purposes therein expressed, and that I am an adult person,  |
| 16 | of sound mind, and under no constraint or undue influence.  |
| 17 |   |
| 18 | Testator  |
| 19 |   |
| 20 | We,, the witnesses, sign (or electronically                 |
| 21 | sign by secure means) our names to this instrument, being   |
| 22 | first duly sworn, and do hereby declare to the undersigned  |
| 23 | authority that the testator signs and executes this         |

| 1  | instrument as his last will and that he signs it willingly  |
|----|---|
| 2  | (or willingly directs another to sign for him), and that he |
| 3  | executes it as his free and voluntary act for the purposes  |
| 4  | therein expressed, and that each of us, in the presence and |
| 5  | hearing of the testator (or appearing through the use of    |
| 6  | audio-video communication technology and able to see and    |
| 7  | hear the testator in real time), hereby signs this will (or |
| 8  | electronically signs this will by secure means) as          |
| 9  | witnesses to the testator's signature and that to the best  |
| 10 | of our knowledge the testator is an adult person, of sound  |
| 11 | mind, and under no constraint or undue influence.           |
| 12 |   |
| 13 | Witness   |
| 14 |   |
| 15 | Witness   |
| 16 |   |
| 17 | STATE OF WYOMING )  |
| 18 |   |
| 19 | ) ss  |
| 20 |   |
| 21 | COUNTY OF )   |
| 22 |   |

| 1  | Subscribed, sworn to and acknowledged before me by          |
|----|---|
| 2  | , the testator, and subscribed and sworn to before me       |
| 3  | by and, witnesses, this day of                              |
| 4  |   |
| 5  | (SEAL) (Signed)   |
| 6  |   |
| 7  | (Official Capacity of Officer)                              |
| 8  |   |
| 9  | (c) An attested will may at the time of its execution       |
| 10 | or at any subsequent date be made self-proven by the        |
| 11 | acknowledgment thereof by the testator and the affidavits   |
| 12 | of the witnesses, each made before an officer authorized to |
| 13 | administer oaths under the laws of this state or under the  |
| 14 | laws of the state where execution occurs, and evidenced by  |
| 15 | the officer's certificate under official seal, attached or  |
| 16 | annexed to the will in form and contents substantially as   |
| 17 | follows:  |
| 18 |   |
| 19 | STATE OF WYOMING )  |
| 20 |   |
| 21 | ) ss  |
| 22 |   |
| 23 | COUNTY OF )   |

| Τ. |   |
|----|---|
| 2  | We,, and, the testator and the                              |
| 3  | witnesses, respectively, whose names are signed to the      |
| 4  | attached or foregoing instrument, being first duly sworn,   |
| 5  | do hereby declare to the undersigned authority that the     |
| 6  | testator signed and executed the instrument as his last     |
| 7  | will and that he signed willingly or willingly directed     |
| 8  | another to sign for him, and that he executed it as his     |
| 9  | free and voluntary act for the purposes therein expressed;  |
| 10 | and that each of the witnesses, in the presence and hearing |
| 11 | of the testator (or appearing through the use of            |
| 12 | audio-video communication technology and able to see and    |
| 13 | hear the testator in real time), signed the will (or        |
| 14 | electronically signed the will by secure means) as witness  |
| 15 | and that to the best of our knowledge the testator was at   |
| 16 | that time an adult person, of sound mind and under no       |
| 17 | constraint or undue influence.                              |
| 18 |   |
| 19 | Testator  |
| 20 |   |
| 21 | Witness   |
| 22 |   |
| 23 | Witness   |

| 1  |   |
|----|---|
| 2  | Subscribed, sworn to and acknowledged before me by    |
| 3  | , the testator, and subscribed and sworn to before me |
| 4  | by and, witnesses, this day of,                       |
| 5  | (SEAL) (Signed)                                       |
| 6  |   |
| 7  | (Official Capacity of Officer)                        |
| 8  |   |
| 9  | Section 2. This act is effective July 1, 2023.        |
| 10 |   |
| 11 | (END)   |