

# Legislative Analysis



## PROHIBIT DEVISEE FROM WITNESSING WILL

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**House Bill 5933 as introduced**  
**Sponsor: Rep. Sarah Lightner**  
**Committee: Judiciary**  
**Complete to 9-12-20**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 5933 would amend the Estates and Protected Individuals Code (EPIC) to generally prohibit a *devisee* from acting as a witness to a will.

*Devisee* means a person designated in a will to receive a *devise* (a testamentary disposition of real or personal property). With regard to a devise to a trustee of an existing trust or to a trustee under a will, the trustee is a devisee and a beneficiary is not.

Currently under the code, an individual generally competent to be a witness may act as a witness to a will, and the signing of a will by an interested witness does not invalidate the will or any provision of it.

The bill would instead provide that, *except for a devisee*, an individual generally competent to be a witness may act as a witness to a will.

In addition, under the bill, the signing of a will by a devisee would void any devise to the devisee.

These new provisions would not apply to a will executed before the effective date of the bill.

MCL 700.2505

### FISCAL IMPACT:

The bill would have no fiscal impact on the state or local units of government.

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