



2025-2026 General Assembly

HOUSE BILL 388:

Amend Business Corporations Act, Part VIII:

Electronic Storage of Attested Written Wills by An Attorney

Analysis of: S.L. 2025-33, Part VIII

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Prepared by: Legislative Analysis
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Part VIII of S.L. 2025-33 (House Bill 388) does the following:

- Defines the terms "electronic" and "record."
- Authorizes an attorney licensed in this State to create an electronic record of an attested written will at the direction of the testator and during the testator's life. The electronic record must include (i) the attorney's certification that the electronic record is a complete, true, and accurate copy of the attested written will, that (ii) the attorney was authorized by the testator to store it as an electronic record, and that (iii) the testator was advised that the creation of the electronic record eliminates the testator's ability to revoke the attested written will by physical act.
- Authorizes an attorney licensed in this State to create a certified paper copy of an attested written will stored as an electronic record by certifying by affidavit that the paper copy is a complete, true, and accurate copy of that electronic record. These provisions also authorize the probating of the certified paper copy of the attested written will.
- Amends the statute governing the manner of probate for an attested will to also establish the manner of probate for a certified paper copy or an attested written will stored as an electronic record.

Part VIII becomes effective January 1, 2026, and applies to attested written wills stored as electronic records on or after that date, regardless of the date of execution of the attested written will.

Kara McCraw
Director



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