

2026 -- S 2451

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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO TAXATION -- ESTATE AND TRANSFER TAXES -- ENFORCEMENT AND COLLECTION

Introduced By: Senators de la Cruz, and Rogers

Date Introduced: February 06, 2026

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 44-23-1 and 44-23-2 of the General Laws in Chapter 44-23 entitled

2 "Estate and Transfer Taxes — Enforcement and Collection" are hereby amended to read as follows:

3 **44-23-1. Statements filed by executors, administrators, and heirs-at-law** **Statements**

4 **filed by executors, administrators, and heirs-at-law or persons in possession of real property.**

5 (a)(1) Every executor, administrator, and heir-at-law or persons in possession of real
6 property, within nine (9) months after the death of the decedent, shall file with the tax administrator
7 a statement under oath showing the full and fair cash value of the estate; the amounts paid out from
8 the estate for claims, expenses, charges, and fees; and the statement shall also provide the names
9 and addresses of all persons entitled to take any share or interest of the estate as legatees or
10 distributees of the estate.

11 (2) In estates where applicable, an executor, administrator, heir-at-law or persons in
12 possession of real property, within nine (9) months after the death of the decedent, shall file, for
13 recording, with the municipality of the decedent's residence, a statement under oath, stating that
14 the value of the decedent's gross estate does not require a state or federal estate tax filing. Upon
15 the recording of the statement by the municipality, the division of taxation shall issue a discharge
16 of the estate tax lien.

17 (b) For estates of decedents with a date of death prior to January 1, 2025, a fee of fifty
18 dollars (\$50.00) shall be paid when filing any statement required by this section. All fees received

1 under this section are allocated to the tax administrator for enforcement and collection of taxes.

2 (c) For estates of decedents with a date of death on or after January 1, 2025, no fee shall be
3 paid when filing any statement required by this section.

4 **44-23-2. Statements filed by trustees.**

5 Whenever any person during his or her life appoints a trustee, naming that person or others
6 as beneficiaries, and providing for the administration of the trust after his or her death, or providing
7 for a termination of the trust and a distribution of the trust estate or any part of the trust estate at his
8 or her death, any person acting as the trustee or any trustee of property subject to a power of
9 appointment, shall, within thirty (30) days after the death of the creator of the trust, or within thirty
10 (30) days after the death of the donee of the power file with the tax administrator a sworn statement
11 showing:

12 (1) The trust agreement, if any;
13 (2) The full and fair cash value of the trust estate;
14 (3) The extent of the duration of the trust;
15 (4) The manner provided for its termination;
16 (5) The names and addresses of the beneficiaries of the trust; ~~and~~
17 (6) Any other information relating to the trust, which the tax administrator may deem
18 necessary for the proper assessment of the tax on the estate; and

19 (7) Notwithstanding the requirements set forth in this section, the trustee, where applicable,
20 within nine (9) months after the death of the decedent, shall file, for recording, with the municipality
21 of the decedent's residence, a statement under oath, stating that the value of the decedent's gross
22 estate does not require a state or federal estate tax filing. Upon the recording of the statement by
23 the municipality, the division of taxation shall issue a discharge of the estate tax lien.

24 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would generate an estate tax discharge upon the filing and recording, with the
- 2 decedent's municipality, a statement of the executor, trustee or any other estate representative, that
- 3 the value of the decedent's gross estate does not require a state or federal tax filing.
- 4 This act would take effect upon passage.

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