

HB66 INTRODUCED



1 HB66
2 5DBUM3M-1
3 By Representative Gidley
4 RFD: Judiciary
5 First Read: 04-Feb-25
6 PFD: 04-Dec-24



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SYNOPSIS:

Under existing law, various laws exist to ensure a person does not profit from intentionally killing another, including: (i) prohibiting an individual who intentionally and feloniously kills a decedent from receiving any benefits under the decedent's will or intestate succession; (ii) providing that any joint tenant who intentionally and feloniously kills another joint tenant loses his or her property interest; and (iii) prohibiting any named beneficiary of any contractual obligation who intentionally and feloniously kills the obligee from receiving any benefit from the contract.

This bill would provide that any individual who is convicted of elder abuse or financial exploitation of an elderly person: (i) may not receive any benefits under the abused or exploited individual's will or, if no will, through intestate succession; (ii) loses his or her property interest in any joint tenancy held with the abused or exploited individual; (iii) and may not receive any benefits in which the abused or exploited individual was the obligee.

A BILL



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29 TO BE ENTITLED

30 AN ACT

31

32 Relating to abuse and exploitation of an elder; to
33 amend Section 43-8-253, Code of Alabama 1975; to provide for
34 the effect of the abuse or exploitation of an elder on
35 intestate succession, wills, joint assets, and certain other
36 contractual obligations.

37 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

38 Section 1. Section 43-8-253, Code of Alabama 1975, is
39 amended to read as follows:

40 "§43-8-253

41 (a) A surviving spouse, heir, or devisee who abuses or
42 feloniously and intentionally kills the decedent ~~is not~~
43 ~~entitled to~~ may not receive any benefits under the will or
44 under articles 3 through 10 of this chapter, and the estate of
45 decedent passes as if the killer or abuser had predeceased the
46 decedent. Property appointed by the will of the decedent to or
47 for the benefit of the killer or abuser passes as if the
48 killer or abuser had predeceased the decedent.

49 (b) Any joint tenant who abuses or feloniously and
50 intentionally kills another joint tenant ~~thereby effects a~~
51 ~~severance of~~ shall be deemed severed from the interest of the
52 decedent so that the share of the decedent passes as his or
53 her property and the killer or abuser has no rights by
54 survivorship. This ~~provision applies to~~ subsection shall apply
55 to all of the following: (i) joint tenancies with the right of
56 survivorship and tenancies in common during the respective



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57 lives of the grantees with cross-contingent remainders in fee
58 to the survivor in real and personal property~~;~~ (ii) joint and
59 multiple-party accounts in banks~~;~~ (iii) savings and loan
60 associations~~;~~ (iv) credit unions and other institutions~~;~~ and
61 (v) any other form of co-ownership with survivorship
62 incidents.

63 (c) A named beneficiary of a bond, life insurance
64 policy, or other contractual arrangement who abuses or
65 feloniously and intentionally kills the principal obligee or
66 the ~~person individual~~ upon whose life the policy is issued ~~is~~
67 ~~not entitled to~~ may not receive any benefit under the bond,
68 policy, or other contractual arrangement, and it becomes
69 payable as though the killer or abuser had predeceased the
70 decedent.

71 (d) Any other acquisition of property or interest by
72 the killer or abuser shall be treated in accordance with the
73 principles of this section.

74 (e) (1) For the purposes of this section, an individual
75 shall be deemed to have abused another if the individual is
76 convicted of elder abuse and neglect in the first or second
77 degree or financial exploitation of an elderly person in the
78 first or second degree, pursuant to Article 9 of Chapter 6 of
79 Title 13A.

80 (2) A final judgment of conviction of felonious and
81 intentional killing, elder abuse and neglect, or financial
82 exploitation of an elderly person is conclusive for purposes
83 of this section. In the absence of a conviction of felonious
84 and intentional killing, elder abuse and neglect, or financial



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85 exploitation of an elderly person, the court may determine by
86 a preponderance of evidence whether the killing or abuse was
87 felonious and intentional for purposes of this section.

88 (f) This section does not affect the rights of any
89 ~~person~~ individual who, before rights under this section have
90 been adjudicated, purchases from the killer or abuser for
91 value and without notice property which the killer or abuser
92 would have acquired except for this section, but the killer or
93 abuser is liable for the amount of the proceeds or the value
94 of the property. Any insurance company, bank, or other obligor
95 making payment according to the terms of its policy or
96 obligation is not liable by reason of this section unless
97 prior to payment it has received at its home office or
98 principal address written notice of a claim under this
99 section."

100 Section 2. This act shall become effective on October
101 1, 2025.