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

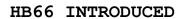


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SYNOPSIS:

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.





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	<pre>her property and the killer or abuser has no rights by</pre>
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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lives of the grantees with cross-contingent remainders in fee to the survivor in real and personal property; (ii) joint and multiple-party accounts in banks; (iii) savings and loan associations; (iv) credit unions and other institutions; and (v) any other form of co-ownership with survivorship incidents.

- (c) A named beneficiary of a bond, life insurance policy, or other contractual arrangement who <u>abuses or</u> feloniously and intentionally kills the principal obligee or the <u>person individual</u> upon whose life the policy is issued is not entitled to may not receive any benefit under the bond, policy, or other contractual arrangement, and it becomes payable as though the killer <u>or abuser</u> had predeceased the 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.
 - (e) (1) For the purposes of this section, an individual shall be deemed to have abused another if the individual is convicted of elder abuse and neglect in the first or second degree or financial exploitation of an elderly person in the first or second degree, pursuant to Article 9 of Chapter 6 of Title 13A.
 - (2) A final judgment of conviction of felonious and intentional killing, elder abuse and neglect, or financial exploitation of an elderly person is conclusive for purposes of this section. In the absence of a conviction of felonious and intentional killing, elder abuse and neglect, or financial



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exploitation of an elderly person, the court may determine by 85 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 person individual who, before rights under this section have 89 been adjudicated, purchases from the killer or abuser for 90 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 of the property. Any insurance company, bank, or other obligor 94 95 making payment according to the terms of its policy or obligation is not liable by reason of this section unless 96 97 prior to payment it has received at its home office or principal address written notice of a claim under this 98 99 section." Section 2. This act shall become effective on October 100

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1, 2025.