

SB41 ENGROSSED



1 SB41
2 5V9WBM6-2
3 By Senator Kelley
4 RFD: Judiciary
5 First Read: 13-Jan-26
6 PFD: 07-Jan-26



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TO BE ENTITLED

AN ACT

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

18 "§43-8-253

27 (b) Any joint tenant who abuses or feloniously and
28 intentionally kills another joint tenant ~~thereby effects a~~



29 ~~severance of~~ shall be deemed severed from the interest of the
30 decedent so that the share of the decedent passes as his or
31 her property and the killer or abuser has no rights by
32 survivorship. This ~~provision applies to~~ subsection shall apply
33 to all of the following: (i) joint tenancies with the right of
34 survivorship and tenancies in common during the respective
35 lives of the grantees with cross-contingent remainders in fee
36 to the survivor in real and personal property; (ii) joint and
37 multiple-party accounts in banks, savings and loan
38 associations, and credit unions and other institutions; and
39 (iii) any other form of co-ownership with survivorship
40 incidents.

41 (c) A named beneficiary of a bond, life insurance
42 policy, or other contractual arrangement who abuses or
43 feloniously and intentionally kills the principal obligee or
44 the ~~person~~ individual upon whose life the policy is issued—is
45 ~~not entitled to~~ may not receive any benefit under the bond,
46 policy, or other contractual arrangement, and it becomes
47 payable as though the killer or abuser had predeceased the
48 decedent.

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

52 (e) (1) For the purposes of this section, an individual
53 shall be deemed to have abused another if the individual is
54 convicted of elder abuse and neglect in the first or second
55 degree or financial exploitation of an elderly person in the
56 first or second degree, pursuant to Article 9 of Chapter 6 of



57 Title 13A.

58 (2) A final judgment of conviction of felonious and
59 intentional killing, elder abuse and neglect, or financial
60 exploitation of an elderly person is conclusive for purposes
61 of this section. ~~In the absence of a conviction of felonious~~
62 ~~and intentional killing the court may determine by a~~
63 ~~preponderance of evidence whether the killing was felonious~~
64 ~~and intentional for purposes of this section.~~

65 (3) The court shall order a final judgment of
66 conviction of felonious and intentional killing, elder abuse
67 and neglect, or financial exploitation of an elderly person to
68 be recorded in the office of the judge of probate in each
69 county in which the decedent or victim owned or owns property.
70 The judgment shall be recorded consistent with the
71 requirements of Section 6-9-210.

72 (f) This section does not affect the rights of any
73 person individual who, before rights under this section have
74 been adjudicated, purchases from the killer or abuser for
75 value and without notice property which the killer or abuser
76 would have acquired except for this section, but the killer or
77 abuser is liable for the amount of the proceeds or the value
78 of the property.

79 (g) (1) Any insurance company, bank, or other obligor
80 making payment according to the terms of its policy or
81 obligation is not liable by reason of this section unless
82 prior to payment it has received at its home office or
83 principal address written notice of a claim under this
84 section.



85 (2) Any individual or entity otherwise facilitating the
86 acquisition of property or interest under subsection (d) is
87 not liable by reason of this section unless prior to the
88 facilitation it has received written notice of a claim under
89 this section.

90 (3) No county, county official, or agent of a county or
91 county official is liable by reason of this section."

92 Section 2. This act shall become effective on October
93 1, 2026.



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96 Senate

97 Read for the first time and referred13-Jan-26
98 to the Senate committee on Judiciary
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100 Read for the second time and placed14-Jan-26
101 on the calendar:
102 0 amendments
103
104 Read for the third time and passed29-Jan-26
105 as amended
106 Yeas 32
107 Nays 0
108 Abstains 0
109
110
111 Patrick Harris,
112 Secretary.
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