

SB41 ENROLLED



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



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1 Enrolled, An Act,

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4 Relating to abuse and exploitation of an elder; to
5 amend Section 43-8-253, Code of Alabama 1975; to provide for
6 the effect of the abuse or exploitation of an elder on
7 intestate succession, wills, joint assets, and certain other
8 contractual obligations; and to further provide for liability
9 relating to certain claims.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

13 "§43-8-253

14 (a) A surviving spouse, heir, legatee, or devisee who
15 abuses or feloniously and intentionally kills the decedent ~~is~~
16 ~~not entitled to~~ may not receive any benefits under the will or
17 under articles 3 through 10 of this chapter, and the estate of
18 decedent passes as if the killer or abuser had predeceased the
19 decedent. Property appointed by the will of the decedent to or
20 for the benefit of the killer or abuser passes as if the
21 killer or abuser had predeceased the decedent.

22 (b) Any joint tenant who abuses or feloniously and
23 intentionally kills another joint tenant ~~thereby effects a~~
24 ~~severance of~~ shall be deemed severed from the interest of the
25 decedent so that the share of the decedent passes as his or
26 her property and the killer or abuser has no rights by
27 survivorship. ~~This provision applies to~~ subsection shall apply
28 to all of the following: (i) joint tenancies with the right of



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29 survivorship and tenancies in common during the respective
30 lives of the grantees with cross-contingent remainders in fee
31 to the survivor in real and personal property~~;~~ (ii) joint and
32 multiple-party accounts in banks, savings and loan
33 associations, and credit unions and other institutions~~;~~ and
34 (iii) any other form of co-ownership with survivorship
35 incidents.

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

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

47 (e) (1) For the purposes of this section, an individual
48 shall be deemed to have abused another if the individual is
49 convicted of elder abuse and neglect in the first or second
50 degree or financial exploitation of an elderly person in the
51 first or second degree, pursuant to Article 9 of Chapter 6 of
52 Title 13A.

53 (2) A final judgment of conviction of felonious and
54 intentional killing, elder abuse and neglect, or financial
55 exploitation of an elderly person is conclusive for purposes
56 of this section. ~~In the absence of a conviction of felonious~~



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57 ~~and intentional killing the court may determine by a~~
58 ~~preponderance of evidence whether the killing was felonious~~
59 ~~and intentional for purposes of this section.~~

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

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

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

80 (2) Any individual or entity otherwise facilitating the
81 acquisition of property or interest under subsection (d) is
82 not liable by reason of this section unless prior to the
83 facilitation it has received written notice of a claim under
84 this section.



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

87 Section 2. This act shall become effective on October
88 1, 2026.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB41

Senate 29-Jan-26

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives

Passed: 10-Mar-26

By: Senator Kelley