



**House Children and Senior Advocacy Reported
Substitute for HB9**

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A BILL

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TO BE ENTITLED

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AN ACT

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

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

8 "§43-8-253

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

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



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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; (iii) savings and loan
 38 associations; (iv) credit unions and other institutions; and
 39 (v) 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



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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, elder abuse and neglect, or financial
 63 exploitation of an elderly person, the court may determine by
 64 a preponderance of evidence whether the killing or abuse was
 65 felonious and intentional for purposes of this section.

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

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

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

84 (3) No county, county official, or agent of a county or



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85 county official is liable by reason of this section."

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