



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

A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§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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~~severance of~~ shall be deemed severed from the interest of the decedent so that the share of the decedent passes as his or her property and the killer or abuser has no rights by survivorship. This ~~provision applies to~~ subsection shall apply to all of the following: (i) joint tenancies with the right of survivorship and tenancies in common during the respective 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 abuses or feloniously and intentionally kills the principal obligee or the ~~person~~ individual 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 or abuser had predeceased the decedent.

(d) Any other acquisition of property or interest by the killer or abuser shall be treated in accordance with the 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



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

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

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

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

(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.