

HOUSE BILL 1211

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3lr0355
CF SB 489

By: Delegates Schulz, Afzali, Aumann, Clagett, Clippinger, Dumais, Eckardt, Frank, Glass, Haddaway-Riccio, Hough, Kaiser, Krebs, McComas, McDermott, W. Miller, Niemann, Olszewski, Parrott, Schuh, Smigiel, Stocksdale, Szeliga, Valderrama, and Vitale

Introduced and read first time: February 8, 2013

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2013

CHAPTER _____

1 AN ACT concerning

2 **Estates and Trusts – Slayer’s Statute**
3 **(Ann Sue Metz Law)**

4 FOR the purpose of clarifying that a person who feloniously and intentionally kills,
5 conspires to kill, or procures the killing of the decedent is disqualified from
6 inheriting, taking, enjoying, receiving, or otherwise benefiting from the death,
7 probate estate, or nonprobate property of the decedent, or from receiving a
8 general or special power of appointment conferred by the will or trust of the
9 decedent, or from serving as a personal representative, guardian, or trustee of a
10 trust created by the decedent; providing for the severing of certain survivorship
11 interests in certain circumstances; establishing that a disqualified person is not
12 entitled to certain insurance or contractual benefits; establishing that a
13 disqualified person shall be treated as if the person disclaimed certain property
14 in certain circumstances; providing that a person may allege in a civil
15 proceeding that another person is disqualified for certain purposes; providing a
16 certain period of limitations for filing a certain civil action; providing that a
17 certain civil proceeding shall be stayed under certain circumstances; providing
18 for the liability and obligations of certain persons; requiring a certain person to
19 make restitution in certain circumstances; providing that a certain conviction is
20 admissible in a civil proceeding and conclusive for certain purposes; authorizing
21 certain persons to seek a certain determination and other relief; authorizing a
22 court trier of fact to make a certain determination; clarifying that this Act does

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 not affect a right to a jury trial that otherwise exists; making certain
 2 conforming changes relating to certain statutory provisions concerning the
 3 common law Slayer's Rule; defining a certain term; providing for the application
 4 of this Act; and generally relating to ~~the killing of~~ killing, conspiring to kill, or
 5 procuring the killing of a decedent.

6 BY repealing and reenacting, with amendments,
 7 Article – Courts and Judicial Proceedings
 8 Section 10–919
 9 Annotated Code of Maryland
 10 (2006 Replacement Volume and 2012 Supplement)

11 BY repealing and reenacting, without amendments,
 12 Article – Estates and Trusts
 13 Section 2–105(b)
 14 Annotated Code of Maryland
 15 (2011 Replacement Volume and 2012 Supplement)

16 BY adding to
 17 Article – Estates and Trusts
 18 Section 11–112
 19 Annotated Code of Maryland
 20 (2011 Replacement Volume and 2012 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article – Courts and Judicial Proceedings**

24 10–919.

25 (a) After all right to appeal has been exhausted, a judgment of conviction
 26 establishing criminal accountability for the felonious and intentional killing of a
 27 decedent:

28 (1) Is admissible in a [subsequent] civil proceeding in which the
 29 Common Law Slayer's Rule is raised as an issue; and

30 (2) Conclusively establishes that the convicted individual feloniously
 31 and intentionally killed the decedent.

32 (b) This section may not be construed to prohibit a [court] TRIER OF FACT,
 33 in the absence of a criminal conviction, from determining by a preponderance of the
 34 evidence in a civil proceeding that a killing was felonious and intentional.

35 **Article – Estates and Trusts**

1 2-105.

2 (b) At the request of an interested person made within the time determined
3 by the court, the issue of fact may be determined by a court of law. When the request
4 is made before the court has determined the issue of fact, the court shall transmit the
5 issue to a court of law.

6 11-112.

7 (A) IN THIS SECTION, "DISQUALIFIED PERSON" MEANS A PERSON WHO
8 FELONIOUSLY AND INTENTIONALLY KILLS, CONSPIRES TO KILL, OR PROCURES
9 THE KILLING OF THE DECEDENT.

10 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
11 SUBSECTION, A DISQUALIFIED PERSON SHALL BE TREATED AS IF THE
12 DISQUALIFIED PERSON DISCLAIMED THE PROPERTY OR INTEREST IN THE
13 PROPERTY AT THE TIME OF THE DECEDENT'S DEATH.

14 (2) THE PROVISIONS OF § 4-403 OF THIS ARTICLE DO NOT APPLY
15 TO THIS SECTION.

16 (3) A DISQUALIFIED PERSON SHALL BE DISQUALIFIED FROM:

17 (I) INHERITING;

18 (II) TAKING;

19 (III) ENJOYING;

20 (IV) RECEIVING; OR

21 (V) OTHERWISE BENEFITING FROM THE:

22 1. DEATH;

23 2. PROBATE ESTATE; OR

24 3. NONPROBATE PROPERTY OF THE DECEDENT;

25 (VI) RECEIVING A GENERAL OR SPECIAL POWER OF
26 APPOINTMENT CONFERRED BY THE WILL OR TRUST OF THE DECEDENT; AND

27 (VII) SERVING AS A PERSONAL REPRESENTATIVE, GUARDIAN,
28 OR TRUSTEE OF A TRUST CREATED BY THE DECEDENT.

1 **(C) (1) THE SURVIVORSHIP INTEREST OF A DISQUALIFIED PERSON IN**
2 **PROPERTY HELD WITH THE DECEDENT, INCLUDING A FORM OF CO-OWNERSHIP**
3 **WITH INCIDENTS OF SURVIVORSHIP, IS SEVERED AT THE TIME OF THE DEATH OF**
4 **THE DECEDENT AND THE PROPERTY PASSES AS IF THE DECEDENT AND THE**
5 **DISQUALIFIED PERSON HAVE NO RIGHTS BY SURVIVORSHIP.**

6 **(2) THIS SECTION DOES NOT APPLY TO THE SURVIVORSHIP**
7 **INTEREST OF A THIRD PARTY.**

8 **(D) A DISQUALIFIED PERSON WHO IS A NAMED BENEFICIARY OF A LIFE**
9 **INSURANCE POLICY ON THE DECEDENT OR OTHER CONTRACTUAL**
10 **ARRANGEMENT WITH THE DECEDENT IS NOT ENTITLED TO A BENEFIT UNDER**
11 **THE POLICY OR CONTRACTUAL ARRANGEMENT.**

12 **(E) (1) (I) IN A CIVIL PROCEEDING A PERSON MAY ALLEGE THAT**
13 **ANOTHER PERSON IS A DISQUALIFIED PERSON.**

14 **(II) A PERSON MAY NOT FILE A CIVIL ACTION ALLEGING**
15 **THAT ANOTHER PERSON IS A DISQUALIFIED PERSON AFTER THE LATER OF:**

16 **1. 3 YEARS FROM THE DATE OF THE DECEDENT'S**
17 **DEATH; OR**

18 **2. IF THE ALLEGED DISQUALIFIED PERSON IS**
19 **CRIMINALLY CHARGED WITHIN 3 YEARS FROM THE DATE OF THE DECEDENT'S**
20 **DEATH WITH FELONIOUSLY AND INTENTIONALLY KILLING, CONSPIRING TO**
21 **KILL, OR PROCURING THE KILLING OF THE DECEDENT, 1 YEAR FROM THE DATE**
22 **THAT THE CRIMINAL CHARGE IS FILED.**

23 **(2) ON REQUEST OF A PARTY IN A CIVIL PROCEEDING IN WHICH A**
24 **PERSON IS ALLEGED TO BE A DISQUALIFIED PERSON, THE CIVIL PROCEEDING**
25 **SHALL BE STAYED PENDING A FINAL JUDGMENT IN A CASE IN WHICH THE**
26 **ALLEGED DISQUALIFIED PERSON IS CRIMINALLY CHARGED WITH FELONIOUSLY**
27 **AND INTENTIONALLY KILLING, CONSPIRING TO KILL, OR PROCURING THE**
28 **KILLING OF THE DECEDENT.**

29 **(3) (I) FOR PURPOSES OF THIS SECTION, ONLY A PERSON WHO**
30 **WOULD BE ENTITLED TO OBTAIN PROPERTY IF ANOTHER PERSON IS FOUND TO**
31 **BE A DISQUALIFIED PERSON, OR THE PERSON'S REPRESENTATIVE, MAY**
32 **PROVIDE NOTICE TO A THIRD PARTY THAT ANOTHER PERSON IS A**
33 **DISQUALIFIED PERSON.**

34 **(II) FOR PURPOSES OF THIS SECTION, A PERSON**
35 **DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH OR THE PERSON'S**

1 REPRESENTATIVE MAY NOT PROVIDE NOTICE TO A THIRD PARTY THAT A
2 PERSON IS A DISQUALIFIED PERSON LATER THAN THE TIME FOR FILING A CIVIL
3 ACTION DESCRIBED IN THIS SUBSECTION.

4 ~~(E)~~ (F) (1) A THIRD PARTY, INCLUDING AN INSURANCE COMPANY,
5 BANK, OR OTHER OBLIGOR, MAKING A PAYMENT ACCORDING TO THE TERMS OF
6 A POLICY OR OBLIGATION, IS NOT LIABLE BY REASON OF THIS SECTION UNLESS,
7 BEFORE THE PAYMENT IS MADE, THE THIRD PARTY HAS RECEIVED AT THE
8 HOME OFFICE OR PRINCIPAL ADDRESS OF THE THIRD PARTY WRITTEN NOTICE
9 OF AN ALLEGED DISQUALIFIED PERSON UNDER THIS SECTION.

10 (2) A THIRD PARTY, INCLUDING AN INSURANCE COMPANY, A
11 BANK, OR ANY OTHER OBLIGOR, WHO FILES AN INTERPLEADER REGARDING AN
12 AMOUNT OWED MAY NOT BE LIABLE TO AN ALLEGED DISQUALIFIED PERSON
13 FOR WRONGFUL DISHONOR OR ANY OTHER CLAIM RELATING TO THE AMOUNT
14 OWED.

15 ~~(F)~~ (G) (1) A ~~PERSON~~ THIRD PARTY WHO PURCHASES PROPERTY
16 FOR VALUE AND WITHOUT NOTICE OR WHO RECEIVES A PAYMENT OR OTHER
17 ITEM OF PROPERTY IN PARTIAL OR FULL SATISFACTION OF A LEGALLY
18 ENFORCEABLE OBLIGATION IS NOT OBLIGATED UNDER THIS SECTION TO
19 RETURN THE PAYMENT, ITEM OF PROPERTY, OR BENEFIT, AND IS NOT LIABLE
20 UNDER THIS SECTION FOR THE AMOUNT OF THE PAYMENT OR THE VALUE OF
21 THE ITEM OF PROPERTY OR BENEFIT.

22 (2) A PERSON WHO, NOT FOR VALUE, RECEIVES A PAYMENT, AN
23 ITEM OF PROPERTY, OR ANY OTHER BENEFIT TO WHICH THE PERSON IS NOT
24 ENTITLED UNDER THIS SECTION IS OBLIGATED TO RETURN THE PAYMENT OR
25 ITEM OF PROPERTY, AND IS PERSONALLY LIABLE FOR THE AMOUNT OF THE
26 PAYMENT OR THE VALUE OF THE ITEM OF PROPERTY OR BENEFIT TO THE
27 PERSON WHO IS ENTITLED TO RECEIVE THE PAYMENT, ITEM OF PROPERTY, OR
28 OTHER BENEFIT.

29 ~~(G)~~ (H) IN THE EVENT A DISTRIBUTION IS ERRONEOUSLY MADE TO A
30 DISQUALIFIED PERSON, THE DISQUALIFIED PERSON SHALL MAKE FULL
31 RESTITUTION TO THE HEIR, LEGATEE, BENEFICIARY, OR JOINT TENANT WHO
32 SHOULD HAVE RECEIVED THE DISTRIBUTION IN ACCORDANCE WITH THIS
33 SECTION.

34 (I) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, AN
35 INTERESTED PERSON OR A NAMED BENEFICIARY OF A LIFE INSURANCE POLICY
36 ON THE DECEDENT OR OTHER CONTRACTUAL ARRANGEMENT WITH THE
37 DECEDENT MAY SEEK A DETERMINATION IN THE PROPER COURT, BY

1 DECLARATORY JUDGMENT OR OTHERWISE, THAT THE PERSON OR NAMED
 2 BENEFICIARY IS NOT A DISQUALIFIED PERSON AND OTHER RELIEF.

3 ~~(H)~~ (J) (1) A FINAL CONVICTION OF FELONIOUS AND INTENTIONAL
 4 KILLING, CONSPIRING TO KILL, OR PROCURING THE KILLING OF A DECEDENT IS
 5 ADMISSIBLE IN A CIVIL PROCEEDING IN WHICH A PERSON IS ALLEGED TO BE A
 6 DISQUALIFIED PERSON AND IS CONCLUSIVE FOR PURPOSES OF THIS SECTION.

7 (2) IN THE ABSENCE OF A FINAL CONVICTION OF FELONIOUS AND
 8 INTENTIONAL KILLING DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION,
 9 THE COURT TRIER OF FACT IN A CIVIL PROCEEDING MAY DETERMINE BY A
 10 PREPONDERANCE OF EVIDENCE WHETHER THE KILLING WAS FELONIOUS AND
 11 INTENTIONAL. A PERSON FELONIOUSLY AND INTENTIONALLY KILLED,
 12 CONSPIRED TO KILL, OR PROCURED THE KILLING OF THE DECEDENT FOR
 13 PURPOSES OF THIS SECTION.

14 (3) NOTHING IN THIS SECTION AFFECTS A RIGHT TO A JURY
 15 TRIAL WHICH OTHERWISE EXISTS.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
 17 construed to apply only prospectively and may not be applied or interpreted to have
 18 any effect on or application to the estate or property of a person who dies before the
 19 effective date of this Act.

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 21 October 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.