

SENATE BILL 489

N2

(3lr2002)

ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by **Senators Shank and Getty**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

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

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.

Italics indicate opposite chamber/conference committee amendments.



1 certain period of limitations for filing a certain civil action; providing that a
 2 certain civil proceeding shall be stayed under certain circumstances; providing
 3 for the liability and obligations of certain persons; requiring a certain person to
 4 make restitution in certain circumstances; providing that a certain conviction is
 5 admissible in a civil proceeding and conclusive for certain purposes; authorizing
 6 certain persons to seek a certain determination and other relief; authorizing a
 7 court trier of fact to make a certain determination; clarifying that this Act does
 8 not affect a right to a jury trial that otherwise exists; making certain conforming
 9 changes relating to certain statutory provisions concerning the common law
 10 Slayer's Rule; defining a certain term; providing for the application of this Act;
 11 and generally relating to ~~the killing of~~ killing, conspiring to kill, or procuring
 12 the killing of a decedent.

13 BY repealing and reenacting, with amendments,
 14 Article – Courts and Judicial Proceedings
 15 Section 10–919
 16 Annotated Code of Maryland
 17 (2006 Replacement Volume and 2012 Supplement)

18 BY repealing and reenacting, without amendments,
 19 Article – Estates and Trusts
 20 Section 2–105(b)
 21 Annotated Code of Maryland
 22 (2011 Replacement Volume and 2012 Supplement)

23 BY adding to
 24 Article – Estates and Trusts
 25 Section 11–112
 26 Annotated Code of Maryland
 27 (2011 Replacement Volume and 2012 Supplement)

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

30 **Article – Courts and Judicial Proceedings**

31 10–919.

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

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

37 (2) Conclusively establishes that the convicted individual feloniously
 38 and intentionally killed the decedent.

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

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

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

10 (2) THIS SECTION DOES NOT APPLY TO THE SURVIVORSHIP
11 INTEREST OF A THIRD PARTY.

12 (D) A DISQUALIFIED PERSON WHO IS A NAMED BENEFICIARY OF A LIFE
13 INSURANCE POLICY ON THE DECEDENT OR OTHER CONTRACTUAL
14 ARRANGEMENT WITH THE DECEDENT IS NOT ENTITLED TO A BENEFIT UNDER
15 THE POLICY OR CONTRACTUAL ARRANGEMENT.

16 (E) (1) (I) IN A CIVIL PROCEEDING A PERSON MAY ALLEGE THAT
17 ANOTHER PERSON IS A DISQUALIFIED PERSON.

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

20 1. 3 YEARS FROM THE DATE OF THE DECEDENT'S
21 DEATH; OR

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

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

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

5 **(II) FOR PURPOSES OF THIS SECTION, A PERSON DESCRIBED**
6 **IN SUBPARAGRAPH (I) OF THIS PARAGRAPH OR THE PERSON'S REPRESENTATIVE**
7 **MAY NOT PROVIDE NOTICE TO A THIRD PARTY THAT A PERSON IS A**
8 **DISQUALIFIED PERSON LATER THAN THE TIME FOR FILING A CIVIL ACTION**
9 **DESCRIBED IN THIS SUBSECTION.**

10 ~~**(E)**~~ **(F) (1) A THIRD PARTY, INCLUDING AN INSURANCE COMPANY,**
11 **BANK, OR OTHER OBLIGOR, MAKING A PAYMENT ACCORDING TO THE TERMS OF**
12 **A POLICY OR OBLIGATION, IS NOT LIABLE BY REASON OF THIS SECTION UNLESS,**
13 **BEFORE THE PAYMENT IS MADE, THE THIRD PARTY HAS RECEIVED AT THE**
14 **HOME OFFICE OR PRINCIPAL ADDRESS OF THE THIRD PARTY WRITTEN NOTICE**
15 **OF AN ALLEGED DISQUALIFIED PERSON UNDER THIS SECTION.**

16 **(2) A THIRD PARTY, INCLUDING AN INSURANCE COMPANY, A**
17 **BANK, OR ANY OTHER OBLIGOR, WHO FILES AN INTERPLEADER REGARDING AN**
18 **AMOUNT OWED MAY NOT BE LIABLE TO AN ALLEGED DISQUALIFIED PERSON FOR**
19 **WRONGFUL DISHONOR OR ANY OTHER CLAIM RELATING TO THE AMOUNT OWED.**

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

27 **(2) A PERSON WHO, NOT FOR VALUE, RECEIVES A PAYMENT, AN**
28 **ITEM OF PROPERTY, OR ANY OTHER BENEFIT TO WHICH THE PERSON IS NOT**
29 **ENTITLED UNDER THIS SECTION IS OBLIGATED TO RETURN THE PAYMENT OR**
30 **ITEM OF PROPERTY, AND IS PERSONALLY LIABLE FOR THE AMOUNT OF THE**
31 **PAYMENT OR THE VALUE OF THE ITEM OF PROPERTY OR BENEFIT TO THE**
32 **PERSON WHO IS ENTITLED TO RECEIVE THE PAYMENT, ITEM OF PROPERTY, OR**
33 **OTHER BENEFIT.**

34 ~~**(G)**~~ **(H) IN THE EVENT A DISTRIBUTION IS ERRONEOUSLY MADE TO A**
35 **DISQUALIFIED PERSON, THE DISQUALIFIED PERSON SHALL MAKE FULL**
36 **RESTITUTION TO THE HEIR, LEGATEE, BENEFICIARY, OR JOINT TENANT WHO**
37 **SHOULD HAVE RECEIVED THE DISTRIBUTION IN ACCORDANCE WITH THIS**
38 **SECTION.**

1 **(I) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, AN**
 2 **INTERESTED PERSON OR A NAMED BENEFICIARY OF A LIFE INSURANCE POLICY**
 3 **ON THE DECEDENT OR OTHER CONTRACTUAL ARRANGEMENT WITH THE**
 4 **DECEDENT MAY SEEK A DETERMINATION IN THE PROPER COURT, BY**
 5 **DECLARATORY JUDGMENT OR OTHERWISE, THAT THE PERSON OR NAMED**
 6 **BENEFICIARY IS NOT A DISQUALIFIED PERSON AND OTHER RELIEF.**

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

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

18 **(3) NOTHING IN THIS SECTION AFFECTS A RIGHT TO A JURY**
 19 **TRIAL WHICH OTHERWISE EXISTS.**

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.