

SB0489/692516/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 489
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, after the semicolon insert “providing that a person may allege in a civil proceeding that another person is disqualified for certain purposes; providing a certain period of limitations for filing a certain civil action; providing that a certain civil proceeding shall be stayed under certain circumstances;”; in line 16, after “is” insert “admissible in a civil proceeding and”; in line 17, after the first semicolon insert “authorizing certain persons to seek a certain determination and other relief;”; in the same line, strike “court” and substitute “trier of fact”; in the same line, after the second semicolon insert “clarifying that this Act does not affect a right to a jury trial that otherwise exists; making certain conforming changes relating to certain statutory provisions concerning the common law Slayer’s Rule;”; and in line 19, strike “the killing of” and substitute “killing, conspiring to kill, or procuring the killing of”.

AMENDMENT NO. 2

On page 1, after line 19, insert:

“BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 10-919

Annotated Code of Maryland

(2006 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,

Article – Estates and Trusts

Section 2-105(b)

Annotated Code of Maryland

(Over)

(2011 Replacement Volume and 2012 Supplement)”.

AMENDMENT NO. 3

On page 2, after line 2, insert:

“Article – Courts and Judicial Proceedings

10–919.

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

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

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

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

AMENDMENT NO. 4

On page 2, after line 3, insert:

“2–105.

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

AMENDMENT NO. 5

On page 3, after line 11, insert:

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

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

1. 3 YEARS FROM THE DATE OF THE DECEDENT’S DEATH; OR

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

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

(3) (I) FOR PURPOSES OF THIS SECTION, ONLY A PERSON WHO WOULD BE ENTITLED TO OBTAIN PROPERTY IF ANOTHER PERSON IS FOUND TO BE A DISQUALIFIED PERSON, OR THE PERSON’S REPRESENTATIVE, MAY

(Over)

PROVIDE NOTICE TO A THIRD PARTY THAT ANOTHER PERSON IS A DISQUALIFIED PERSON.

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

AMENDMENT NO. 6

On page 3, in lines 12, 18, and 32, strike "(E)", "(F)", and "(G)", respectively, and substitute "(F)(1)", "(G)", and "(H)", respectively.

On page 4, in line 1, strike "(H)" and substitute "(J)".

AMENDMENT NO. 7

On page 3, after line 17, insert:

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

AMENDMENT NO. 8

On page 3, in line 18, strike "PERSON" and substitute "THIRD PARTY".

AMENDMENT NO. 9

On page 3, after line 36, insert:

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

AMENDMENT NO. 10

On page 4, in line 2, after “KILLING” insert “, CONSPIRING TO KILL, OR PROCURING THE KILLING OF A DECEDENT IS ADMISSIBLE IN A CIVIL PROCEEDING IN WHICH A PERSON IS ALLEGED TO BE A DISQUALIFIED PERSON AND”.

AMENDMENT NO. 11

On page 4, in line 3, after “A” insert “FINAL”; strike beginning with the second “OF” in line 3 down through “KILLING” in line 4 and substitute “DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION”; in line 4, strike “COURT” and substitute “TRIER OF FACT IN A CIVIL PROCEEDING”; in line 5, strike “THE KILLING WAS FELONIOUS AND INTENTIONAL” and substitute “A PERSON FELONIOUSLY AND INTENTIONALLY KILLED, CONSPIRED TO KILL, OR PROCURED THE KILLING OF THE DECEDENT”; and after line 6, insert:

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