

SENATE BILL 29

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1998 Regular Session
8lr0280
CF 8lr0350

(PRE-FILED)

By: **Senators Boozer, Stone, Kelley, and Collins**
Requested: August 25, 1997
Introduced and read first time: January 14, 1998
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 17, 1998

CHAPTER _____

1 AN ACT concerning

2 **Evidence - Civil Proceedings - Slayer's Rule - Admissibility and Effect of**
3 **Certain Criminal Convictions**

4 FOR the purpose of providing that a certain judgment of conviction is admissible in a
5 certain civil proceeding ~~to determine entitlement to the assets of a decedent~~ and
6 conclusively establishes certain matters; providing for the construction and
7 application of this Act; and generally relating to the admissibility and effect of
8 certain criminal convictions in certain civil proceedings.

9 BY adding to
10 Article - Courts and Judicial Proceedings
11 Section 10-919
12 Annotated Code of Maryland
13 (1995 Replacement Volume and 1997 Supplement)

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

16 **Article - Courts and Judicial Proceedings**
17 10-919.

18 (A) AFTER ALL RIGHT TO APPEAL HAS BEEN EXHAUSTED, A JUDGMENT OF
19 CONVICTION ESTABLISHING CRIMINAL ACCOUNTABILITY FOR THE FELONIOUS AND
20 INTENTIONAL KILLING OF A DECEDENT:

1 (1) IS ADMISSIBLE IN A SUBSEQUENT CIVIL PROCEEDING ~~TO~~
2 ~~DETERMINE ENTITLEMENT TO THE ASSETS OF THE DECEDENT IN WHICH THE~~
3 ~~COMMON LAW SLAYER'S RULE IS RAISED AS AN ISSUE; AND~~

4 (2) CONCLUSIVELY ESTABLISHES THAT THE CONVICTED INDIVIDUAL,
5 ~~OR A PERSON CLAIMING THROUGH OR UNDER THE CONVICTED INDIVIDUAL, MAY~~
6 ~~NOT:~~

7 (I) ~~SHARE IN THE DISTRIBUTION OF THE DECEDENT'S ESTATE AS~~
8 ~~AN HEIR BY WAY OF STATUTES OF DESCENT AND DISTRIBUTION OR AS DEVISEE OR~~
9 ~~LEGATEE UNDER THE DECEDENT'S WILL; OR~~

10 (II) ~~COLLECT ANY PROCEEDS AS A BENEFICIARY UNDER A POLICY~~
11 ~~OF INSURANCE ON THE DECEDENT'S LIFE FELONIOUSLY AND INTENTIONALLY~~
12 ~~KILLED THE DECEDENT.~~

13 (B) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A COURT, IN THE
14 ABSENCE OF A CRIMINAL CONVICTION, FROM DETERMINING BY A PREPONDERANCE
15 OF THE EVIDENCE IN A CIVIL PROCEEDING THAT A KILLING WAS FELONIOUS AND
16 INTENTIONAL.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to
18 judgments of conviction entered on or after October 1, 1998.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 1998.