

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE
Revised

House Bill 245 (Delegate E. Burns. *et al.*)

Judiciary

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

This bill provides that, after all right to appeal has been exhausted, a judgment of conviction establishing criminal accountability for the felonious and intentional killing of a decedent is admissible in a subsequent civil proceeding in which the common law Slayer's Rule is raised as an issue; and conclusively establishes that the convicted individual feloniously and intentionally killed the decedent. The bill does not prohibit a court, in the absence of a criminal conviction, from determining by a preponderance of the evidence in a civil proceeding that the killing was felonious and intentional.

The bill applies only to convictions entered on or after October 1, 1998.

Fiscal Summary

State Effect: Potential minimal efficiency savings for the Judiciary.

Local Effect: Potential minimal efficiency savings for the Judiciary.

Small Business Effect: None.

Fiscal Analysis

State Effect: Maryland follows the common law "Slayer's Rule," under which a murderer may not profit by taking any portion of the estate or insurance proceeds of the victim. Apparently, however, the fact finder in a civil proceeding to determine entitlement to the assets of a murder victim's estate must make an independent determination as to the commission of the murder and whether it was intentional. A prior judgment of conviction is not admissible or conclusive to prevent the murderer from inheriting.

This bill could conserve judicial resources to the extent that it would eliminate the need to reprove murders in those cases in which convicted murderers make claims to the estates of their victims.

Local Effect: This bill could conserve judicial resources to the extent that it would eliminate the need to reprove murders in those cases in which murderers make claims to the estates of their victims.

Information Source(s): Judiciary (Administrative Office of the Courts), Register of Wills, Department of Legislative Services

Fiscal Note History: First Reader - January 29, 1998
tlw Revised - House Third Reader - March 24, 1998

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