

HOUSE BILL 735

N2

2lr1294
CF SB 517

By: **Delegates Schulz, Aumann, Cluster, Dumais, Dwyer, Eckardt, Elliott, Frank, Glass, Haddaway–Riccio, Hershey, Hogan, Hough, Jacobs, Kipke, Krebs, McComas, McConkey, McDermott, W. Miller, Norman, O'Donnell, Otto, Serafini, Szeliga, and Vitale**

Introduced and read first time: February 8, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts – Slayer's Rule**
3 **(Ann Sue Metz Law)**

4 FOR the purpose of clarifying that a person who feloniously and intentionally kills the
5 decedent is disqualified from inheriting, taking, enjoying, receiving, or
6 otherwise benefitting from the estate, insurance proceeds, or property of the
7 decedent; clarifying that a person may not inherit, take, enjoy, receive, or
8 otherwise benefit from the estate, insurance proceeds, or property of the
9 decedent as a direct result of the disqualification of the killer of a certain
10 decedent, even though that person is innocent of any wrongdoing; establishing
11 that a certain person shall be treated as if the person predeceased a certain
12 decedent; requiring a certain person to make restitution to another person in
13 certain circumstances; establishing the liability of a certain person in certain
14 circumstances; authorizing a court to order that a certain benefit be held in
15 trust for a certain person; providing for the application of this Act; and
16 generally relating to the killing of a decedent.

17 BY adding to
18 Article – Estates and Trusts
19 Section 11–112
20 Annotated Code of Maryland
21 (2011 Replacement Volume and 2011 Supplement)

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

24 **Article – Estates and Trusts**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 11-112.

2 (A) (1) A PERSON WHO FELONIOUSLY AND INTENTIONALLY KILLS
3 THE DECEDENT SHALL BE DISQUALIFIED FROM INHERITING, TAKING,
4 ENJOYING, RECEIVING, OR OTHERWISE BENEFITTING FROM THE ESTATE,
5 INSURANCE PROCEEDS, OR PROPERTY OF THE DECEDENT.

6 (2) A PERSON MAY NOT INHERIT, TAKE, ENJOY, RECEIVE, OR
7 OTHERWISE BENEFIT FROM THE ESTATE, INSURANCE PROCEEDS, OR PROPERTY
8 OF THE DECEDENT AS A DIRECT RESULT OF THE DISQUALIFICATION OF THE
9 KILLER DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, EVEN THOUGH
10 THAT PERSON IS INNOCENT OF ANY WRONGDOING.

11 (B) A PERSON DISQUALIFIED FROM INHERITING, TAKING, ENJOYING,
12 RECEIVING, OR OTHERWISE BENEFITTING FROM THE ESTATE, INSURANCE
13 PROCEEDS, OR PROPERTY OF THE DECEDENT IN ACCORDANCE WITH
14 SUBSECTION (A) OF THIS SECTION SHALL BE TREATED AS IF THE PERSON
15 PREDECEASED THE DECEDENT.

16 (C) IN THE EVENT A DISTRIBUTION IS ERRONEOUSLY MADE TO A
17 PERSON DISQUALIFIED FROM INHERITING, TAKING, ENJOYING, RECEIVING, OR
18 OTHERWISE BENEFITTING FROM THE ESTATE, INSURANCE PROCEEDS, OR
19 PROPERTY OF THE DECEDENT IN VIOLATION OF SUBSECTION (A) OF THIS
20 SECTION, THE DISQUALIFIED PERSON SHALL MAKE FULL RESTITUTION TO THE
21 HEIR, LEGATEE, OR BENEFICIARY WHO SHOULD HAVE RECEIVED THE
22 DISTRIBUTION IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

23 (D) A FIDUCIARY OR OTHER PERSON WHO DISTRIBUTES PROPERTY IN
24 GOOD FAITH AND WITHOUT ACTUAL KNOWLEDGE OF THE KILLING DESCRIBED
25 IN SUBSECTION (A) OF THIS SECTION IS NOT PERSONALLY LIABLE FOR THE
26 DISTRIBUTION.

27 (E) NOTWITHSTANDING THE ABSENCE OF A CRIMINAL OR CIVIL
28 JUDGMENT ESTABLISHING ACCOUNTABILITY FOR THE FELONIOUS AND
29 INTENTIONAL KILLING OF A DECEDENT, AT THE REQUEST OF AN INTERESTED
30 PARTY, A COURT MAY ORDER THAT A BENEFIT DESCRIBED IN SUBSECTION (A)
31 OF THIS SECTION BE HELD IN TRUST FOR A BENEFICIARY OR HEIR NOT
32 DISQUALIFIED BY THIS SECTION.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
34 construed to apply only prospectively and may not be applied or interpreted to have
35 any effect on or application to any civil action or proceeding to determine a benefit

1 from the estate, insurance proceeds, or property of a decedent that is pending before
2 the effective date of this Act.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2012.