

Chapter 485

(Senate Bill 489)

AN ACT concerning

Estates and Trusts – Slayer's Statute (Ann Sue Metz Law)

FOR the purpose of clarifying that a person who feloniously and intentionally kills, conspires to kill, or procures the killing of the decedent is disqualified from inheriting, taking, enjoying, receiving, or otherwise benefiting from the death, probate estate, or nonprobate property of the decedent, or from receiving a general or special power of appointment conferred by the will or trust of the decedent, or from serving as a personal representative, guardian, or trustee of a trust created by the decedent; providing for the severing of certain survivorship interests in certain circumstances; establishing that a disqualified person is not entitled to certain insurance or contractual benefits; establishing that a disqualified person shall be treated as if the person disclaimed certain property in certain circumstances; 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; providing for the liability and obligations of certain persons; requiring a certain person to make restitution in certain circumstances; providing that a certain conviction is admissible in a civil proceeding and conclusive for certain purposes; authorizing certain persons to seek a certain determination and other relief; authorizing a ~~court~~ trier of fact to make a certain determination; 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; defining a certain term; providing for the application of this Act; and generally relating to ~~the killing of~~ killing, conspiring to kill, or procuring the killing of a decedent.

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
(2011 Replacement Volume and 2012 Supplement)

BY adding to

Article – Estates and Trusts

Section 11–112

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

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

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.

Article – Estates and Trusts

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.

11–112.

(A) IN THIS SECTION, “DISQUALIFIED PERSON” MEANS A PERSON WHO FELONIOUSLY AND INTENTIONALLY KILLS, CONSPIRES TO KILL, OR PROCURES THE KILLING OF THE DECEDENT.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A DISQUALIFIED PERSON SHALL BE TREATED AS IF THE

DISQUALIFIED PERSON DISCLAIMED THE PROPERTY OR INTEREST IN THE PROPERTY AT THE TIME OF THE DECEDENT'S DEATH.

(2) THE PROVISIONS OF § 4-403 OF THIS ARTICLE DO NOT APPLY TO THIS SECTION.

(3) A DISQUALIFIED PERSON SHALL BE DISQUALIFIED FROM:

(I) INHERITING;

(II) TAKING;

(III) ENJOYING;

(IV) RECEIVING; OR

(V) OTHERWISE BENEFITING FROM THE:

1. DEATH;

2. PROBATE ESTATE; OR

3. NONPROBATE PROPERTY OF THE DECEDENT;

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

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

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

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

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

(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 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.

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

(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.

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

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

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

(I) 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.

~~(H)~~ **(J)** (1) A FINAL CONVICTION OF FELONIOUS AND INTENTIONAL KILLING, **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** IS CONCLUSIVE FOR PURPOSES OF THIS SECTION.

(2) IN THE ABSENCE OF A **FINAL CONVICTION OF FELONIOUS AND INTENTIONAL KILLING DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION,** THE ~~COURT~~ **TRIER OF FACT IN A CIVIL PROCEEDING** MAY DETERMINE BY A PREPONDERANCE OF EVIDENCE WHETHER ~~THE KILLING WAS FELONIOUS AND INTENTIONAL~~ **A PERSON FELONIOUSLY AND INTENTIONALLY KILLED,**

CONSPIRED TO KILL, OR PROCURED THE KILLING OF THE DECEDENT FOR PURPOSES OF THIS SECTION.

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

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

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

Approved by the Governor, May 16, 2013.