SENATE BILL 489

N2
3lr2002
CF HB 1211

By: **Senators Shank and Getty**
Introduced and read first time: January 31, 2013
Assigned to: Judicial Proceedings

Committee Report: Favorable
Senate action: Adopted
Read second time: March 18, 2013

CHAPTER_____

1 AN ACT concerning

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

4 FOR the purpose of clarifying that a person who feloniously and intentionally kills,
5   conspires to kill, or procures the killing of the decedent is disqualified from
6   inheriting, taking, enjoying, receiving, or otherwise benefiting from the death,
7   probate estate, or nonprobate property of the decedent, or from receiving a
8   general or special power of appointment conferred by the will or trust of the
9   decedent, or from serving as a personal representative, guardian, or trustee of a
10   trust created by the decedent; providing for the severing of certain survivorship
11   interests in certain circumstances; establishing that a disqualified person is not
12   entitled to certain insurance or contractual benefits; establishing that a
13   disqualified person shall be treated as if the person disclaimed certain property
14   in certain circumstances; providing for the liability and obligations of certain
15   persons; requiring a certain person to make restitution in certain
16   circumstances; providing that a certain conviction is conclusive for certain
17   purposes; authorizing a court to make a certain determination; defining a
18   certain term; providing for the application of this Act; and generally relating to
19   the killing of a decedent.

20 BY adding to
21   Article – Estates and Trusts
22   Section 11–112
23   Annotated Code of Maryland
24   (2011 Replacement Volume and 2012 Supplement)

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

3   **Article – Estates and Trusts**

4 **11–112.**

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

8   (B)   (1)   EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
9 SUBSECTION, A DISQUALIFIED PERSON SHALL BE TREATED AS IF THE
10 DISQUALIFIED PERSON DISCLAIMED THE PROPERTY OR INTEREST IN THE
11 PROPERTY AT THE TIME OF THE DECEDENT'S DEATH.

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

14   (3)   A DISQUALIFIED PERSON SHALL BE DISQUALIFIED FROM:

15   (I)   INHERITING;

16   (II)   TAKING;

17   (III) ENJOYING;

18   (IV)   RECEIVING; OR

19   (V)   OTHERWISE BENEFITING FROM THE:

20   1.   DEATH;

21   2.   PROBATE ESTATE; OR

22   3.   NONPROBATE PROPERTY OF THE DECEDENT;

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

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

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

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

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

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

18   **(F)   (1)   A PERSON WHO PURCHASES PROPERTY FOR VALUE AND**
19   **WITHOUT NOTICE OR WHO RECEIVES A PAYMENT OR OTHER ITEM OF PROPERTY**
20   **IN PARTIAL OR FULL SATISFACTION OF A LEGALLY ENFORCEABLE OBLIGATION**
21   **IS NOT OBLIGATED UNDER THIS SECTION TO RETURN THE PAYMENT, ITEM OF**
22   **PROPERTY, OR BENEFIT, AND IS NOT LIABLE UNDER THIS SECTION FOR THE**
23   **AMOUNT OF THE PAYMENT OR THE VALUE OF THE ITEM OF PROPERTY OR**
24   **BENEFIT.**

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

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

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

3   **(2)   IN THE ABSENCE OF A CONVICTION OF FELONIOUS AND**
4 **INTENTIONAL KILLING, THE COURT MAY DETERMINE BY A PREPONDERANCE OF**
5 **EVIDENCE WHETHER THE KILLING WAS FELONIOUS AND INTENTIONAL FOR**
6 **PURPOSES OF THIS SECTION.**

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

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

Approved:

_____
                                                            Governor.

_____
                                              President of the Senate.

_____
                                  Speaker of the House of Delegates.