



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1760

PRINTER'S NO. 2144

PRIME SPONSOR: Hanbidge

COST / (SAVINGS)

FUND	FY 2023/24	FY 2024/25
General Fund	\$0	\$0

SUMMARY:

House Bill 1760, Printer's Number 2144, expands the Slayers Act to include elder abuse.

ANALYSIS:

House Bill 1760 amends Sections 2106 and 2507 of Title 20 (Decedents, Estates and Fiduciaries) to stipulate that any individual who is convicted of elder abuse may not acquire property or receive any benefits upon the death of the victim. Any property and benefits will be distributed as provided in Chapter 88 (Slayers) of Title 20.

The legislation adds Section 8802.1 to Chapter 88, which states that an elder abuser may not acquire any property or receive any benefit upon the death of the victim and that such property shall pass as provided in Chapter 88.

The following sections of Chapter 88 are further amended to include references to elder abuse and to victims of elder abuse:

- 8803. Descent, distribution, dower, curtesy, and statutory rights as survivor;
- 8804. Legacies;
- 8805. Tenancies by the entirety;
- 8806. Joint tenants, joint owners, and joint obliges;
- 8807. Reversions and vested remainders;
- 8808. Interests dependent on survivorship or continuance of life;
- 8809. Contingent remainders and executory or other future interests;
- 8810. Powers of appointment;
- 8811. Proceeds of insurance;
- 8812. Bona fide payment by insurance company or obligor;
- 8813. Bona fide purchasers; and
- 8814. Record of conviction as evidence.

Section 8814.1 provides that, if an individual has been charged with elder abuse, any property or benefit that would otherwise pass to that person from the decedent's estate shall be placed in escrow. Upon dismissal or withdrawal of the charge, or if the individual is found to be not guilty, the property or benefit shall pass as if no charge had been filed. If the individual is convicted, the property in escrow shall pass in accordance with the terms and provisions of Chapter 88.

The addition of Section 8816 provides that, if the victim knew about the individual's conviction of elder abuse or if the victim and the elder abuser had reconciled following the conviction, an elder abuser may acquire any property or receive any benefits upon the death of the victim. This must be proven by clear and convincing evidence.

This legislation would take effect in 180 days upon enactment.

FISCAL IMPACT:

Enactment of this legislation will have no impact on Commonwealth funds.

PREPARED BY: Bradley Keen
House Appropriations Committee (D)

DATE: December 13, 2023

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.