

1 S.188

2 Introduced by Senator Rodgers

3 Referred to Committee on

4 Date:

5 Subject: Probate; survivors' rights; unlawful killing

6 Statement of purpose of bill as introduced: This bill proposes to require the
7 court to freeze the assets of a probate estate when it appears to the court that a
8 decedent was unlawfully killed by a person entitled to inherit from the
9 decedent.

10 An act relating to the effect of unlawful killing on probate inheritance
11 procedures

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 14 V.S.A. § 322 is amended to read:

14 § 322. UNLAWFUL KILLING AFFECTING INHERITANCE

15 (a) Notwithstanding sections 311 through 314 of this title or provisions
16 otherwise made, in any case in which an individual is entitled to inherit or
17 receive property under the last will of a decedent, or otherwise, the individual's
18 share in the decedent's estate shall be forfeited and shall pass to the remaining
19 heirs or beneficiaries of the decedent if the individual intentionally and
20 unlawfully kills the decedent. In any proceedings to contest the right of an

1 individual to inherit or receive property under a will or otherwise, the record of
2 that individual's conviction of intentionally and unlawfully killing the decedent
3 shall be admissible in evidence and shall conclusively establish that the
4 individual did intentionally and unlawfully kill the decedent.

5 (b) When it appears to the court that the decedent has been intentionally
6 and unlawfully killed by an individual entitled to inherit or receive property
7 from the decedent, the court shall not distribute any portion of the estate to the
8 individual until the court determines whether the individual's share in the
9 estate is forfeited under subsection (a) of this section. If criminal charges are
10 filed against the individual for killing the decedent, the court shall not
11 distribute any portion of the estate to the individual until the criminal charges
12 have been resolved.

13 Sec. 2. EFFECTIVE DATE

14 This act shall take effect on passage.