



General Assembly

January Session, 2005

Raised Bill No. 1125

LCO No. 3650

03650_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING INHERITANCE BY PERSONS FOUND NOT GUILTY OF MURDER BY REASON OF MENTAL DISEASE OR DEFECT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-447 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) A person finally [adjudged guilty] convicted or found not guilty
4 by reason of mental disease or defect pursuant to section 53a-13, either
5 as the principal or accessory, of any crime under section 53a-54a or
6 53a-54b, or in any other jurisdiction, of any crime, the essential
7 elements of which are substantially similar to such crimes, shall not
8 inherit or receive any part of the estate of the deceased, whether under
9 the provisions of any act relating to intestate succession, or as devisee
10 or legatee, or otherwise under the will of the deceased, or receive any
11 property as beneficiary or survivor of the deceased; and such person
12 shall not inherit or receive any part of the estate of any other person
13 when such homicide or death terminated an intermediate estate, or
14 hastened the time of enjoyment. With respect to inheritance under the
15 will of the deceased, or rights to property as heir, devisee, legatee or

16 beneficiary of the deceased, the person whose participation in the
17 estate of another or whose right to property as such heir, devisee,
18 legatee or beneficiary is so prevented under the provisions of this
19 section shall be considered to have predeceased the person killed. With
20 respect to property owned in joint tenancy with rights of survivorship
21 with the deceased, such final [adjudication as guilty] conviction or
22 finding of not guilty by reason of mental disease or defect shall be a
23 severance of the joint tenancy, and shall convert the joint tenancy into
24 a tenancy in common as to the person so [adjudged] convicted or
25 found not guilty by reason of mental disease or defect and the
26 deceased but not as to any remaining joint tenant or tenants, such
27 severance being effective as of the time such [adjudication of guilty]
28 conviction or finding becomes final. When such jointly owned
29 property is real property, a certified copy of the final [adjudication as
30 guilty] conviction or finding of not guilty by reason of mental disease
31 or defect shall be recorded by the fiduciary of the deceased's estate, or
32 may be recorded by any other interested party in the land records of
33 the town where such real property is situated.

34 (b) In all other cases where a defendant has been convicted or found
35 not guilty by reason of mental disease or defect of killing another
36 person, the right of such defendant to inherit or take any part of the
37 estate of the person killed or to inherit or take any estate as to which
38 such homicide terminated an intermediate estate, or hastened the time
39 of enjoyment, or to take any property as beneficiary or survivor of the
40 deceased shall be determined by the common law, including equity.

41 (c) (1) A named beneficiary of a life insurance policy or annuity who
42 intentionally causes the death of the person upon whose life the policy
43 is issued or the annuitant, is not entitled to any benefit under the
44 policy or annuity, and the policy or annuity becomes payable as
45 though such beneficiary had predeceased the decedent.

46 (2) A conviction under section 53a-54a, 53a-54b, 53a-54c, 53a-54d,
47 53a-55 or 53a-55a, shall be conclusive for purposes of this subsection.

48 In the absence of such a conviction, the Superior Court may determine
49 by the common law, including equity, whether the named beneficiary
50 is entitled to any benefit under the policy or annuity. In any
51 proceeding brought under this subsection, the burden of proof shall be
52 upon the person challenging the eligibility of the named beneficiary
53 for benefits under a life insurance policy or annuity.

54 (3) Any insurance company making payment according to the terms
55 of its policy or annuity is not liable for any additional payment by
56 reason of this section unless it has received at its home office or
57 principal address written notice of a claim under this section prior to
58 such payment.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	45a-447

Statement of Purpose:

To preclude a person who is found not guilty by reason of mental disease or defect of murdering another person from inheriting from the estate of the deceased.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]