



Senate

General Assembly

File No. 439

February Session, 2008

Senate Bill No. 688

Senate, April 3, 2008

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING MURDER AND INHERITANCE.

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 Section 45a-447 of the general statutes is repealed and the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, 2008*):

3 (a) (1) A person finally adjudged guilty, either as the principal or
4 accessory, of any crime under section 53a-54a₂, [or] 53a-54b, 53a-54c,
5 53a-54d, 53a-55 or 53a-55a of the 2008 supplement to the general
6 statutes, or in any other jurisdiction, of any crime, the essential
7 elements of which are substantially similar to such crimes, or a person
8 determined to be guilty under any of said sections pursuant to this
9 subdivision, shall not inherit or receive any part of the estate of (A) the
10 deceased, whether under the provisions of any act relating to intestate
11 succession, or as devisee or legatee, or otherwise under the will of the
12 deceased, or receive any property as beneficiary or survivor of the
13 deceased, [; and such person shall not inherit or receive any part of the
14 estate of] or (B) any other person when such homicide or death
15 terminated an intermediate estate, or hastened the time of enjoyment.

16 An interested person may bring an action in the Superior Court for a
17 determination, by a preponderance of the evidence, that an heir,
18 devisee, legatee or beneficiary of the deceased who has predeceased
19 the interested person would have been adjudged guilty, either as the
20 principal or accessory, under section 53a-54a, 53a-54b, 53a-54c, 53a-
21 54d, 53a-55 or 53a-55a of the 2008 supplement to the general statutes,
22 had the heir, devisee, legatee or beneficiary survived.

23 (2) With respect to inheritance under the will of the deceased, or
24 rights to property as heir, devisee, legatee or beneficiary of the
25 deceased, the person whose participation in the estate of another or
26 whose right to property as such heir, devisee, legatee or beneficiary is
27 so prevented under the provisions of this section shall be considered to
28 have predeceased the person killed.

29 (3) With respect to property owned in joint tenancy with rights of
30 survivorship with the deceased, such final adjudication as guilty shall
31 be a severance of the joint tenancy, and shall convert the joint tenancy
32 into a tenancy in common as to the person so adjudged and the
33 deceased but not as to any remaining joint tenant or tenants, such
34 severance being effective as of the time such adjudication of guilty
35 becomes final. When such jointly owned property is real property, a
36 certified copy of the final adjudication as guilty shall be recorded by
37 the fiduciary of the deceased's estate, or may be recorded by any other
38 interested party in the land records of the town where such real
39 property is situated.

40 (b) In all other cases where a defendant has been convicted of killing
41 another person, the right of such defendant to inherit or take any part
42 of the estate of the person killed or to inherit or take any estate as to
43 which such homicide terminated an intermediate estate, or hastened
44 the time of enjoyment, or to take any property as beneficiary or
45 survivor of the deceased shall be determined by the common law,
46 including equity.

47 (c) (1) A named beneficiary of a life insurance policy or annuity who
48 intentionally causes the death of the person upon whose life the policy

49 is issued or the annuitant, is not entitled to any benefit under the
50 policy or annuity, and the policy or annuity becomes payable as
51 though such beneficiary had predeceased the decedent.

52 (2) A conviction under section 53a-54a, 53a-54b, 53a-54c, 53a-54d,
53 53a-55 or 53a-55a of the 2008 supplement to the general statutes, shall
54 be conclusive for purposes of this subsection. In the absence of such a
55 conviction, (A) the Superior Court may determine by the common law,
56 including equity, whether the named beneficiary is entitled to any
57 benefit under the policy or annuity, or (B) an interested person may
58 bring an action in the Superior Court for a determination, by a
59 preponderance of the evidence, that a named beneficiary who has
60 predeceased the interested person would have been found guilty
61 under section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55 or 53a-55a of
62 the 2008 supplement to the general statutes, had the named beneficiary
63 survived. In any proceeding brought under this subsection, the burden
64 of proof shall be upon the person challenging the eligibility of the
65 named beneficiary for benefits under a life insurance policy or annuity.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2008	45a-447

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Dept. of Administrative Services	GF - Revenue Loss	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill expands the circumstances under which a person cannot inherit, receive part of the estate, or receive life insurance or annuity benefits from another person if he or she was responsible for that person’s death. In accordance with CGS 18-85b, the state may make a claim against the proceeds of any such person’s inheritance for repayment of the costs of incarceration. To the extent that the bill reduces the likelihood that these costs will not be recovered, a potential revenue loss would occur.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**SB 688*****AN ACT CONCERNING MURDER AND INHERITANCE.*****SUMMARY:**

This bill expands the circumstances under which a person cannot inherit, receive part of the estate, or receive life insurance or annuity benefits from someone for whose death he or she was responsible.

Under current law, a murderer cannot inherit or receive part of the estate from (1) the victim or (2) another person if the homicide or death terminated an intermediate estate or hastened the time of enjoyment. This applies if the person is finally adjudged guilty as a principal or accessory of murder or capital felony in Connecticut or for a similar crime in another jurisdiction. The bill also excludes someone (1) convicted as a principal or accessory of felony murder, arson murder, 1st degree manslaughter with or without a firearm, or a similar crime in another jurisdiction or (2) who would have been found guilty of one of these offenses if he or she had survived, as determined by the Superior Court by a preponderance of the evidence in an action brought by an interested person.

Current law prohibits a named beneficiary on an insurance policy or annuity from receiving any benefits if he or she intentionally caused the death of the person who is the subject of the policy or annuity. Current law excludes someone if (1) convicted of murder, capital felony, felony murder, arson murder, 1st degree manslaughter, or 1st degree manslaughter with a firearm or (2) the Superior Court determines in the absence of a conviction based on the common law, including equity, that the person is not entitled to benefits. (The person challenging entitlement has the burden of proof.) The bill also allows

an interested party to bring an action in Superior Court to determine by a preponderance of the evidence that a beneficiary who predeceased the interested person would have been found guilty of one of these crimes.

EFFECTIVE DATE: October 1, 2008

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 41 Nay 1 (03/17/2008)