



General Assembly

February Session, 2008

**Raised Bill No. 688**

LCO No. 3160

\* SB00688JUD 031708 \*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***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 Section 45a-447 of the general statutes is repealed and the  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-54a, [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*