



General Assembly

February Session, 2012

**Raised Bill No. 307**

LCO No. 1558

\*01558\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING THE INHERITANCE RIGHTS OF A BENEFICIARY OR SURVIVOR WHO IS FOUND NOT GUILTY OF MURDERING THE DECEASED BY REASON OF MENTAL DISEASE OR DEFICIT.**

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 Section 45a-447 of the general statutes is repealed and the  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, 2012*):

3 (a) (1) A person finally adjudged guilty, either as the principal or  
4 accessory, or finally found not guilty by reason of mental disease or  
5 defect, of any crime under section 53a-54a, 53a-54b, 53a-54c, 53a-54d,  
6 53a-55 or 53a-55a, or in any other jurisdiction, of any crime, the  
7 essential elements of which are substantially similar to such crimes, or  
8 a person determined to be guilty, or determined to be not guilty by  
9 reason of mental disease or defect, under any of said sections pursuant  
10 to this subdivision, shall not inherit or receive any part of the estate of  
11 (A) the deceased, whether under the provisions of any act relating to  
12 intestate succession, or as devisee or legatee, or otherwise under the  
13 will of the deceased, or receive any property as beneficiary or survivor  
14 of the deceased, or (B) any other person when such homicide or death

15 terminated an intermediate estate, or hastened the time of enjoyment.  
16 For the purposes of this subdivision, an interested person may bring  
17 an action in the Superior Court for a determination, by a  
18 preponderance of the evidence, that an heir, devisee, legatee or  
19 beneficiary of the deceased who has predeceased the interested person  
20 would have been adjudged guilty, either as the principal or accessory,  
21 or found not guilty by reason of mental disease or defect, under  
22 section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55 or 53a-55a had the  
23 heir, devisee, legatee or beneficiary survived.

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

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

43 (b) In all other cases where a defendant has been convicted of killing  
44 another person, or has been found not guilty of killing another person  
45 by reason of mental disease or defect, the right of such defendant to  
46 inherit or take any part of the estate of the person killed or to inherit or

47 take any estate as to which such homicide terminated an intermediate  
48 estate, or hastened the time of enjoyment, or to take any property as  
49 beneficiary or survivor of the deceased shall be determined by the  
50 common law, including equity.

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

56 (2) (A) A conviction or a finding of not guilty by reason of mental  
57 disease or defect under section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-  
58 55 or 53a-55a, or a determination pursuant to subparagraph (B) of this  
59 subdivision that a named beneficiary would have been found guilty  
60 under any of said sections had the named beneficiary survived or  
61 would have been found not guilty under any of said sections by reason  
62 of mental disease or defect had the named beneficiary survived, shall  
63 be conclusive for the purposes of this subsection.

64 (B) For the purposes of this subsection, an interested person may  
65 bring an action in the Superior Court for a determination, by a  
66 preponderance of the evidence, that a named beneficiary who has  
67 predeceased the interested person would have been found guilty  
68 under section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55 or 53a-55a, or  
69 would have been found not guilty under any of said sections by reason  
70 of mental disease or defect, had the named beneficiary survived.

71 (C) In the absence of such a conviction, finding or determination,  
72 the Superior Court may determine by the common law, including  
73 equity, whether the named beneficiary is entitled to any benefit under  
74 the policy or annuity.

75 (D) In any proceeding brought under this subsection, the burden of  
76 proof shall be upon the person challenging the eligibility of the named  
77 beneficiary for benefits under a life insurance policy or annuity.

78 (3) Any insurance company making payment according to the terms  
79 of its policy or annuity is not liable for any additional payment by  
80 reason of this section unless [it] the insurance company has received at  
81 its home office or principal address written notice of a claim under this  
82 section prior to such payment.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	45a-447

**Statement of Purpose:**

To prohibit a person found not guilty by reason of mental disease or defect of causing the death of a decedent from benefiting from the estate of the decedent or from the decedent's life insurance policy or annuity.

*[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.]*