



Senate

General Assembly

File No. 408

February Session, 2012

Senate Bill No. 307

Senate, April 12, 2012

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

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 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 Section 45a-447 of the general statutes is repealed and the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, 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:		
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Section 1	<i>October 1, 2012</i>	45a-447
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JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes changes to the inheritance rights of those found not guilty by reason of mental disease or defect for murder and does not have a fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**SB 307*****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 DEFECT.*****SUMMARY:**

This bill extends the current prohibition on defendants found guilty of certain crimes collecting from the estates of their crime victims to defendants found not guilty by reason of mental disease or defect. As under existing law for those found guilty, the bill's prohibition also applies to defendants who a court determines would have been found not guilty by reason of mental disease or defect had they survived criminal prosecution.

The prohibition prevents these defendants from inheriting from, or receiving part of, their victims' estates or receiving life insurance or annuity benefits from the victims. The covered crimes are murder, a capital felony, felony murder, arson murder, 1st degree manslaughter with or without a firearm, or a similar crime in another jurisdiction.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2012

PROHIBITION ON RECOVERING FROM VICTIM'S LIFE INSURANCE OR ANNUITIES

The 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. People convicted of the crimes listed above, or who a court determines would have been found guilty as specified above, are conclusively included within this prohibition. The bill also conclusively includes

within this prohibition people found not guilty by reason of mental disease or defect for such crimes, or who a court determines would have been found not guilty for this reason. (In some cases it may not be clear how a person found not guilty by reason of mental disease or defect can be said to have intended to cause someone's death.)

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 42 Nay 0 (03/26/2012)