
OLR Bill Analysis

SB 261

AN ACT CONCERNING THE INHERITANCE RIGHTS OF A BENEFICIARY OR SURVIVOR WHO IS FOUND NOT GUILTY OF MURDER OR MANSLAUGHTER OF THE DECEASED BY REASON OF MENTAL DISEASE OR DEFECT.

SUMMARY:

Existing law prohibits defendants found guilty of certain serious crimes from inheriting from, or receiving part of, the victim's estate or receiving life insurance or annuity benefits from the victim. This bill extends the prohibition to defendants found not guilty by reason of mental disease or defect. It also adds two crimes to those covered by the prohibition: 2nd degree manslaughter and 2nd degree manslaughter with a firearm (see BACKGROUND).

Under existing law, the covered crimes are murder, murder with special circumstances, felony murder, arson murder, and 1st degree manslaughter with or without a firearm.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2014

PROHIBITION ON RECOVERING FROM VICTIM

As under existing law for those found guilty, the bill's prohibition also applies to defendants:

1. found not guilty by reason of mental disease or defect, in another jurisdiction, of a crime with substantially similar elements to those listed or
2. whom a court determines would have been found not guilty by reason of mental disease or defect had they survived criminal prosecution.

Life Insurance or Annuities

The law’s prohibition on recovering from a life insurance policy or annuity applies to someone who intentionally caused the death of the person who is the subject of the policy or annuity. People convicted of the listed crimes 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 these crimes. (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.)

BACKGROUND

Second-Degree Manslaughter

By law, a person commits 2nd degree manslaughter when he or she (1) recklessly causes someone else’s death or (2) intentionally causes or aids someone to commit suicide, other than by force, duress, or deception (CGS § 53a-56).

Second-Degree Manslaughter with a Firearm

By law, a person commits 2nd degree manslaughter with a firearm when he or she (1) commits 2nd degree manslaughter and (2) in the commission of the offense uses, is armed with and threatens to use, or displays or represents by words or conduct that he or she possesses a firearm (CGS § 53a-56a).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 40 Nay 0 (04/02/2014)