



General Assembly

February Session, 2016

Raised Bill No. 213

LCO No. 1443



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
MURDER OR MANSLAUGHTER 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 2016 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2016*):

4 (a) (1) A person finally adjudged guilty, either as the principal or
5 accessory, or finally found not guilty by reason of mental disease or
6 defect pursuant to section 53a-13, of any crime under section 53a-54a,
7 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-122,
8 53a-123 or 53a-321, or in any other jurisdiction, of any crime, the
9 essential elements of which are substantially similar to such crimes, or
10 a person determined to be guilty, or determined to be not guilty by
11 reason of mental disease or defect, under any of said sections pursuant
12 to this subdivision, shall not inherit or receive any part of the estate of
13 (A) the deceased victim, whether under the provisions of any act

14 relating to intestate succession, or as devisee or legatee, or otherwise
15 under the will of the deceased victim, or receive any property as
16 beneficiary or survivor of the deceased victim, or (B) any other person
17 when such homicide or death terminated an intermediate estate, or
18 hastened the time of enjoyment. For the purposes of this subdivision,
19 an interested person may bring an action in the Superior Court for a
20 determination, by a preponderance of the evidence, that an heir,
21 devisee, legatee or beneficiary of the deceased victim who has
22 predeceased the interested person would have been adjudged guilty or
23 found not guilty by reason of mental disease or defect, either as the
24 principal or accessory, under section 53a-54a, 53a-54b, 53a-54c, 53a-
25 54d, 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-122, 53a-123 or 53a-321, had
26 the heir, devisee, legatee or beneficiary survived.

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

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

47 (4) With respect to personal property owned in joint tenancy with
48 rights of survivorship with the deceased victim, such final adjudication
49 as guilty or finding of not guilty by reason of mental disease or defect
50 shall convert the personal property to property owned solely by the
51 deceased victim except to the extent that the adjudged guilty person or
52 person found not guilty by reason of mental disease or defect can
53 prove by a preponderance of the evidence [the adjudged guilty] such
54 person's financial contributions to such property.

55 (b) In all other cases where a defendant has been convicted under
56 section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a, 53a-56, 53a-
57 56a, 53a-122, 53a-123 or 53a-321, the right of such adjudged guilty
58 person or person found not guilty by reason of mental disease or
59 defect to inherit or take any part of the estate of the deceased victim or
60 to inherit or take any estate as to which the death of such deceased
61 victim terminated an intermediate estate, or hastened the time of
62 enjoyment, or to take any property as beneficiary or survivor of the
63 deceased victim shall be determined by the common law, including
64 equity.

65 (c) (1) A named beneficiary of a life insurance policy or annuity who
66 intentionally causes the death of the person upon whose life the policy
67 is issued or the annuitant, or who is finally adjudged guilty under
68 section 53a-122, 53a-123 or 53a-321, is not entitled to any benefit under
69 the policy or annuity, and the policy or annuity becomes payable as
70 though such beneficiary had predeceased the deceased victim.

71 (2) (A) A conviction or a finding of not guilty by reason of mental
72 disease or defect under section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-
73 55, 53a-55a, 53a-56, 53a-56a, 53a-122, 53a-123 or 53a-321, or a
74 determination pursuant to subparagraph (B) of this subdivision that a
75 named beneficiary would have been found guilty under any of said
76 sections had the named beneficiary survived, or would have been
77 found not guilty by reason of mental disease or defect had the named
78 beneficiary survived, shall be conclusive for the purposes of this

79 subsection.

80 (B) For the purposes of this subsection, an interested person may
81 bring an action in the Superior Court for a determination, by a
82 preponderance of the evidence, that a named beneficiary who has
83 predeceased the interested person would have been found guilty
84 under section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a, 53a-
85 56, 53a-56a, 53a-122, 53a-123 or 53a-321, or would have been found not
86 guilty by reason of mental disease or defect under any of said sections,
87 had the named beneficiary survived.

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

92 (D) In any proceeding brought under this subsection, the burden of
93 proof shall be [upon] on the person challenging the eligibility of the
94 named beneficiary for benefits under a life insurance policy or annuity.

95 (3) Any insurance company [making] that makes payment
96 according to the terms of its policy or annuity is not liable for any
97 additional payment by reason of this section unless [it] the insurance
98 company has received at its home office or principal address written
99 notice of a claim under this section prior to such payment.

100 (d) Notwithstanding the provisions of subsections (a) to (c),
101 inclusive, of this section, the Superior Court may allow a defendant
102 adjudged guilty under section 53a-122, 53a-123 or 53a-321, or found
103 not guilty by reason of mental disease or defect under any of said
104 sections, to petition a court in equity to override the prohibitions on
105 inheritance or other benefit to the adjudged guilty person under such
106 sections if the court shall determine that overriding such prohibitions
107 would fulfill the intent of the deceased victim or that application of
108 such prohibitions would be grossly inequitable under all of the
109 circumstances, which could include, without limitation, restitution or

110 other substantial benefit provided to the deceased victim during the
111 deceased victim's lifetime or express forgiveness by the deceased
112 victim. The burden of proof [and persuasion] shall be [upon] on the
113 petitioner.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	45a-447

Statement of Purpose:

To: (1) Prohibit a person found not guilty by reason of mental disease or defect of causing the death of the deceased from benefiting from the estate of the deceased or from the deceased's life insurance policy or annuity, and (2) add the crimes of manslaughter in the second degree and manslaughter in the second degree with a firearm to the list of crimes for which the conviction of a beneficiary for such crime committed against the deceased disqualifies the beneficiary from benefiting from the estate of the deceased or from the deceased'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.]