



General Assembly

**Substitute Bill No. 213**

February Session, 2016



**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2 statutes is repealed and the following is substituted in lieu thereof  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] finally adjudged guilty, or found not  
11 guilty by reason of mental disease or defect, under any of said sections  
12 pursuant to this subdivision, shall not inherit or receive any part of the  
13 estate of (A) the deceased victim, whether under the provisions of any  
14 act relating to intestate succession, or as devisee or legatee, or  
15 otherwise under the will of the deceased victim, or receive any  
16 property as beneficiary or survivor of the deceased victim, or (B) any  
17 other person when such homicide or death terminated an intermediate  
18 estate, or hastened the time of enjoyment. For the purposes of this  
19 subdivision, an interested person may bring an action in the Superior

20 Court for a determination, by a preponderance of the evidence, that an  
21 heir, 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	October 1, 2016	45a-447
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**Statement of Legislative Commissioners:**

In Section 1(a)(1), "determined to be guilty, or determined to be not guilty" was changed to "[determined to be] finally adjudged guilty, or found not guilty", for internal consistency.

**JUD**      *Joint Favorable Subst. -LCO*