



Substitute Senate Bill No. 213

Public Act No. 16-168

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:

Section 1. Section 45a-447 of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) (1) A person finally adjudged guilty, either as the principal or accessory, or finally found not guilty by reason of mental disease or defect pursuant to section 53a-13, of any crime under section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-122, 53a-123 or 53a-321, or in any other jurisdiction, of any crime, the essential elements of which are substantially similar to such crimes, or a person [determined to be] finally adjudged guilty, or found not guilty by reason of mental disease or defect, under any of said sections pursuant to this subdivision, shall not inherit or receive any part of the estate of (A) the deceased victim, whether under the provisions of any act relating to intestate succession, or as devisee or legatee, or otherwise under the will of the deceased victim, or receive any property as beneficiary or survivor of the deceased victim, or (B) any

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other person when such homicide or death terminated an intermediate estate, or hastened the time of enjoyment. For the purposes of this subdivision, an interested person may bring an action in the Superior Court for a determination, by a preponderance of the evidence, that an heir, devisee, legatee or beneficiary of the deceased victim who has predeceased the interested person would have been adjudged guilty or found not guilty by reason of mental disease or defect, either as the principal or accessory, under section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-122, 53a-123 or 53a-321, had the heir, devisee, legatee or beneficiary survived.

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

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

(4) With respect to personal property owned in joint tenancy with

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rights of survivorship with the deceased victim, such final adjudication as guilty or finding of not guilty by reason of mental disease or defect shall convert the personal property to property owned solely by the deceased victim except to the extent that the adjudged guilty person or person found not guilty by reason of mental disease or defect can prove by a preponderance of the evidence [the adjudged guilty] such person's financial contributions to such property.

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

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

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

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subsection.

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

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

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

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

(d) Notwithstanding the provisions of subsections (a) to (c), inclusive, of this section, the Superior Court may allow a defendant adjudged guilty under section 53a-122, 53a-123 or 53a-321, or found not guilty by reason of mental disease or defect under any of said sections, to petition a court in equity to override the prohibitions on inheritance or other benefit to the adjudged guilty person under such sections if the court shall determine that overriding such prohibitions would fulfill the intent of the deceased victim or that application of

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such prohibitions would be grossly inequitable under all of the circumstances, which could include, without limitation, restitution or other substantial benefit provided to the deceased victim during the deceased victim's lifetime or express forgiveness by the deceased victim. The burden of proof [and persuasion] shall be [upon] on the petitioner.

Approved June 7, 2016