

SB2881



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2881

Introduced 1/20/2006, by Sen. Christine Radogno

SYNOPSIS AS INTRODUCED:

755 ILCS 5/2-6

from Ch. 110 1/2, par. 2-6

Amends the Probate Act of the 1975. Provides that a person acquitted by reason of insanity but who has been found by the court to have in fact committed the murder of the decedent shall also be conclusively presumed to have caused the death intentionally and unjustifiably for inheritance purposes. Adds a tenancy to the list of types of property that a person who intentionally and unjustifiably causes the death of another is banned from receiving. Effective immediately.

LRB094 19117 LCT 54636 b

A BILL FOR

1 AN ACT concerning estates.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Probate Act of 1975 is amended by changing
5 Section 2-6 as follows:

6 (755 ILCS 5/2-6) (from Ch. 110 1/2, par. 2-6)

7 Sec. 2-6. Person causing death. A person who intentionally
8 and unjustifiably causes the death of another shall not receive
9 any property, benefit, or other interest by reason of the
10 death, whether as heir, legatee, beneficiary, joint tenant,
11 survivor, appointee or in any other capacity and whether the
12 property, benefit, or other interest passes pursuant to any
13 form of title registration, testamentary or nontestamentary
14 instrument, intestacy, renunciation, tenancy, or any other
15 circumstance. The property, benefit, or other interest shall
16 pass as if the person causing the death died before the
17 decedent, provided that with respect to joint tenancy property
18 the interest possessed prior to the death by the person causing
19 the death shall not be diminished by the application of this
20 Section. A determination under this Section may be made by any
21 court of competent jurisdiction separate and apart from any
22 criminal proceeding arising from the death, provided that no
23 such civil proceeding shall proceed to trial nor shall the
24 person be required to submit to discovery in such civil
25 proceeding until such time as any criminal proceeding has been
26 finally determined by the trial court or, in the event no
27 criminal charge has been brought, prior to one year after the
28 date of death. A person convicted of first degree murder or
29 second degree murder of the decedent is conclusively presumed
30 to have caused the death intentionally and unjustifiably for
31 purposes of this Section. A person acquitted by reason of
32 insanity but who has been found by the court to have in fact

1 otherwise committed the murder of the decedent shall also for
2 purposes of this Section be conclusively presumed to have
3 caused the death intentionally and unjustifiably.

4 The holder of any property subject to the provisions of
5 this Section shall not be liable for distributing or releasing
6 said property to the person causing the death if such
7 distribution or release occurs prior to a determination made
8 under this Section.

9 If the holder of any property subject to the provisions of
10 this Section knows or has reason to know that a potential
11 beneficiary caused the death of a person within the scope of
12 this Section, the holder shall fully cooperate with law
13 enforcement authorities and judicial officers in connection
14 with any investigation of such death.

15 (Source: P.A. 86-749.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.