



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4251

Introduced 1/27/2020, by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

755 ILCS 5/2-6.1 new

Amends the Descent and Distribution Article of the Probate Act of 1975. Creates Pam's Law. Provides that a person who intentionally and unjustifiably causes the death of another is disqualified from being: (1) a personal representative of the decedent; (2) the executor or administrator of the decedent's estate; and (3) the person who has the right to determine the method for disposing of the body. Provides that in any case in which a preponderance of the evidence shows that the surviving spouse or next of kin caused the death of another, the court may disqualify the spouse or next of kin on an interim basis and appoint a special administrator for the limited purpose of investigating, presenting, and proving a claim. Provides that the Act applies retroactively to any death caused by intentional and unjustifiable means that is still subject to prosecution under any applicable criminal statute of limitations.

LRB101 16761 LNS 66153 b

1 AN ACT concerning civil law.

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 adding
5 Section 2-6.1 as follows:

6 (755 ILCS 5/2-6.1 new)

7 Sec. 2-6.1. Person causing death; additional
8 disqualifications.

9 (a) A person who intentionally and unjustifiably causes the
10 death of another is disqualified from being:

11 (1) a personal representative of the decedent under
12 subsection (a) of Section 2 of the Wrongful Death Act;

13 (2) the executor or administrator of the decedent's
14 estate under Section 28-2 of this Act; and

15 (3) a person who has the right to determine the method
16 for disposing of the body of a decedent under subsection
17 (b) of Section 2 of the Autopsy Act.

18 A person intentionally and unjustifiably causes the death
19 of another when the person is: (i) convicted of a crime under
20 subsection (e) of Section 2 of the Wrongful Death Act; or (ii)
21 proven by clear and convincing evidence in a probate proceeding
22 to have intentionally and unjustifiably caused the decedent's
23 death.

1 (b) In any case in which a claimant proves by a
2 preponderance of the evidence to a court of competent
3 jurisdiction that the surviving spouse or next of kin caused
4 the death of another, the court may disqualify the spouse or
5 next of kin on an interim basis and appoint a special
6 administrator for the limited purpose of investigating,
7 presenting, and proving a claim under this Section.

8 (c) The court shall establish all procedures necessary to
9 permit and effectuate the bringing of claims under subsections
10 (a) and (b).

11 (d) This Section applies retroactively to any death caused
12 by intentional and unjustifiable means that is still subject to
13 prosecution under any applicable criminal statute of
14 limitations.

15 (e) This Section may be referred to as Pam's Law.