



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 2/4/2004, by 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.

LRB093 16583 LCB 42232 b

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.