

# SB0634



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB0634

Introduced 2/8/2007, 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.

LRB095 10570 AJO 30791 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

1 person be required to submit to discovery in such civil  
2 proceeding until such time as any criminal proceeding has been  
3 finally determined by the trial court or, in the event no  
4 criminal charge has been brought, prior to one year after the  
5 date of death. A person convicted of first degree murder or  
6 second degree murder of the decedent is conclusively presumed  
7 to have caused the death intentionally and unjustifiably for  
8 purposes of this Section. A person acquitted by reason of  
9 insanity but who has been found by the court to have in fact  
10 otherwise committed the murder of the decedent shall also for  
11 purposes of this Section be conclusively presumed to have  
12 caused the death intentionally and unjustifiably.

13 The holder of any property subject to the provisions of  
14 this Section shall not be liable for distributing or releasing  
15 said property to the person causing the death if such  
16 distribution or release occurs prior to a determination made  
17 under this Section.

18 If the holder of any property subject to the provisions of  
19 this Section knows or has reason to know that a potential  
20 beneficiary caused the death of a person within the scope of  
21 this Section, the holder shall fully cooperate with law  
22 enforcement authorities and judicial officers in connection  
23 with any investigation of such death.

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

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.