
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1845 Session of
2019

INTRODUCED BY NESBIT, SCHEMEL, BERNSTINE, CALTAGIRONE, CIRESI,
DeLUCA, ECKER, GROVE, HILL-EVANS, KEEFER, MILLARD, MOUL,
READSHAW AND STEPHENS, SEPTEMBER 23, 2019

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 23, 2019

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
2 Pennsylvania Consolidated Statutes, in provisions relating to
3 slayers, adding provisions relating to elder abuse, elder
4 abusers and victims; and making an editorial change and
5 conforming amendments.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 2106(c) of Title 20 of the Pennsylvania
9 Consolidated Statutes is amended and the section is amended by
10 adding a subsection to read:

11 § 2106. Forfeiture.

12 * * *

13 (c) Slayer's share.--Any person who participates either as a
14 principal or as an accessory before the fact in the willful and
15 unlawful killing of any person shall not in any way acquire
16 property or receive any benefits as the result of such killing,
17 but such property or benefits shall be distributed as provided
18 in Chapter 88 (relating to slayers and elder abusers).

19 (c.1) Elder abuser's share.--Any person who is convicted of

1 offenses constituting elder abuse shall not in any way acquire
2 property or receive any benefits upon the death of the victim,
3 but such property or benefits shall be distributed as provided
4 in Chapter 88.

5 * * *

6 Section 2. Section 2507(5) is amended and the section is
7 amended by adding a paragraph to read:

8 § 2507. Modification by circumstances.

9 Wills shall be modified upon the occurrence of any of the
10 following circumstances, among others:

11 * * *

12 (5) Slaying.--Any person who participates either as a
13 principal or as an accessory before the fact in the willful
14 and unlawful killing of any person shall not in any way
15 acquire property or receive any benefits as the result of the
16 willful and unlawful killing but such property or benefits
17 shall be distributed as provided by Chapter 88 (relating to
18 slayers and elder abusers).

19 (6) Elder abuse.--Any person who is convicted of
20 offenses constituting elder abuse shall not in any way
21 acquire property or receive any benefits upon the death of
22 the victim, but such property or benefits shall be
23 distributed as provided by Chapter 88.

24 Section 3. Chapter 88 heading of Title 20 is amended to
25 read:

26 CHAPTER 88

27 SLAYERS AND ELDER ABUSERS

28 Section 4. Section 8801 of Title 20 is amended to read:

29 [§ 8801. Definition of terms.]

30 As used in this chapter:

1 "Slayer." Means any person who participates, either as a
2 principal or as an accessory before the fact, in the willful and
3 unlawful killing of any other person.]

4 § 8801. Definitions.

5 The following words and phrases when used in this chapter
6 shall have the meanings given to them in this section unless the
7 context clearly indicates otherwise:

8 "Decedent." [Means any] A person whose life is so taken.

9 "Elder abuse." An offense under 18 Pa.C.S. Chs. 27 (relating
10 to assault), 31 (relating to sexual offenses), 39 (relating to
11 theft and related offenses) and 41 (relating to forgery and
12 fraudulent practices) and criminal attempt, criminal
13 solicitation and criminal conspiracy to commit the offense under
14 18 Pa.C.S. Ch. 9 (relating to inchoate crimes), when the offense
15 is committed against a person 60 years of age or older.

16 "Elder abuser." A person convicted of offenses constituting
17 abuse against the victim under this chapter.

18 "Property." [Includes any real] Real and personal property
19 and any right or interest therein.

20 "Slayer." A person who participates, either as a principal
21 or as an accessory before the fact, in the willful and unlawful
22 killing of any other person.

23 "Victim." A person who is 60 years of age or older against
24 whom elder abuse is committed.

25 Section 5. Title 20 is amended by adding a section to read:

26 § 8802.1. Elder abuser not to acquire property.

27 No elder abuser may acquire any property or receive any
28 benefit upon the death of a victim, but such property shall pass
29 as provided in this chapter.

30 Section 6. Sections 8803, 8804, 8805, 8806, 8807, 8808,

1 8809, 8810, 8811, 8812, 8813, 8814 and 8814.1 of Title 20 are
2 amended to read:

3 § 8803. Descent, distribution, dower, curtesy, and statutory
4 rights as survivor.

5 The slayer or elder abuser shall be deemed to have
6 predeceased the decedent or victim as to property which would
7 have passed from the decedent or victim or his estate to the
8 slayer or elder abuser under the statutes of descent and
9 distribution or have been acquired by dower, by curtesy or by
10 statutory right as surviving spouse.

11 § 8804. Legacies.

12 Property which would have passed to or for the benefit of the
13 slayer or elder abuser by devise or legacy from the decedent or
14 victim shall be distributed as if he had predeceased the
15 decedent or victim.

16 § 8805. Tenancies by the entirety.

17 One-half of any property held by the slayer or elder abuser
18 and the decedent or victim as tenants by the entirety shall pass
19 upon the death of the decedent or victim to his estate, and the
20 other half shall be held by the slayer or elder abuser during
21 his life, subject to pass upon his death to the estate of the
22 decedent or victim.

23 § 8806. Joint tenants, joint owners and joint obligees.

24 (a) Joint ownership by slayer or elder abuser and decedent
25 or victim.--One-half of any property held by the slayer or elder
26 abuser and the decedent or victim as joint tenants, joint owners
27 or joint obligees shall pass upon the death of the decedent or
28 victim to his estate, and the other half shall pass to his
29 estate upon the death of the slayer or elder abuser, unless the
30 slayer or elder abuser obtains a separation or severance of the

1 property or a decree granting partition.

2 (b) Joint ownership by three or more persons.--As to
3 property held jointly by three or more persons, including the
4 slayer or elder abuser and the decedent or victim, any
5 enrichment which would have accrued to the slayer or elder
6 abuser as a result of the death of the decedent or victim shall
7 pass to the estate of the decedent or victim. If the slayer or
8 elder abuser becomes the final survivor, one-half of the
9 property shall immediately pass to the estate of the decedent or
10 victim and the other half shall pass to his estate upon the
11 death of the slayer or elder abuser, unless the slayer or elder
12 abuser obtains a separation or severance of the property or a
13 decree granting partition.

14 (c) Enforceable agreements unaffected.--The provisions of
15 this section shall not affect any enforceable agreement between
16 the parties or any trust arising because a greater proportion of
17 the property has been contributed by one party than by the
18 other.

19 § 8807. Reversions and vested remainders.

20 Property in which the slayer or elder abuser holds a
21 reversion or vested remainder and would have obtained the right
22 of present possession upon the death of the decedent or victim
23 shall pass to the estate of the decedent or victim during the
24 period of the life expectancy of the decedent or victim; if he
25 held the particular estate or if the particular estate is held
26 by a third person it shall remain in his hands for such period.

27 § 8808. Interests dependent on survivorship or continuance of
28 life.

29 Any interest in property, whether vested or not, held by the
30 slayer or elder abuser, subject to be divested, diminished in

1 any way or extinguished, if the decedent or victim survives him
2 or lives to a certain age, shall be held by the slayer or elder
3 abuser during his lifetime or until the decedent or victim would
4 have reached such age, but shall then pass as if the decedent or
5 victim had died immediately thereafter.

6 § 8809. Contingent remainders and executory or other future
7 interests.

8 As to any contingent remainder or executory or other future
9 interest held by the slayer or elder abuser, subject to become
10 vested in him or increased in any way for him upon the condition
11 of the death of the decedent or victim:

12 (1) If the interest would not have become vested or
13 increased if he had predeceased the decedent or victim, he
14 shall be deemed to have so predeceased the decedent or
15 victim.

16 (2) In any case the interest shall not be vested or
17 increased during the period of the life expectancy of the
18 decedent or victim.

19 § 8810. Powers of appointment.

20 (a) Property appointed by will.--Property appointed by the
21 will of the decedent or victim to or for the benefit of the
22 slayer or elder abuser shall be distributed as if the slayer or
23 elder abuser had predeceased the decedent or victim.

24 (b) Other property.--Property held either presently or in
25 remainder by the slayer or elder abuser, subject to be divested
26 by the exercise by the decedent or victim of a power of
27 revocation or a general power of appointment shall pass to the
28 estate of the decedent or victim, and property so held by the
29 slayer or elder abuser, subject to be divested by the exercise
30 by the decedent or victim of a power of appointment to a

1 particular person or persons or to a class of persons, shall
2 pass to such person or persons, or in equal shares to the
3 members of such class of persons, exclusive of the slayer or
4 elder abuser.

5 § 8811. Proceeds of insurance.

6 (a) Policies on life of decedent or victim.--Insurance
7 proceeds payable to the slayer or elder abuser as the
8 beneficiary or assignee of any policy or certificate of
9 insurance on the life of the decedent or victim, or as the
10 survivor of a joint life policy, shall be paid to the estate of
11 the decedent or victim, unless the policy or certificate
12 designates some person not claiming through the slayer or elder
13 abuser as alternative beneficiary to him.

14 (b) Policies on life of slayer or elder abuser.--If the
15 decedent or victim is beneficiary or assignee of any policy or
16 certificate of insurance on the life of the slayer or elder
17 abuser, the proceeds shall be paid to the estate of the decedent
18 or victim upon the death of the slayer or elder abuser, unless
19 the policy names some person other than the slayer or elder
20 abuser or his estate as alternative beneficiary, or unless the
21 slayer or elder abuser by naming a new beneficiary or assigning
22 the policy performs an act which would have deprived the
23 decedent or victim of his interest in the policy if he had been
24 living.

25 § 8812. Bona fide payment by insurance company or obligor.

26 Any insurance company making payment according to the terms
27 of its policy or any bank or other person performing an
28 obligation for the slayer or elder abuser as one of several
29 joint obligees shall not be subject to additional liability by
30 the terms of this chapter, if such payment or performance is

1 made without notice of the killing by a slayer or elder abuse by
2 an elder abuser.

3 § 8813. Bona fide purchasers.

4 The provisions of this chapter shall not affect the rights of
5 any person who, before the interests of the slayer or elder
6 abuser have been adjudicated, purchases from the slayer or elder
7 abuser for value and without notice property which the slayer or
8 elder abuser would have acquired except for the terms of this
9 chapter, but all proceeds received by the slayer or elder abuser
10 from such sale shall be held by him in trust for the persons
11 entitled to the property under the provisions of this title, and
12 the slayer or elder abuser shall also be liable both for any
13 portion of such proceeds which he may have dissipated and for
14 any difference between the actual value of the property and the
15 amount of such proceeds.

16 § 8814. Record of conviction as evidence.

17 The record of his conviction of having participated in the
18 willful and unlawful killing of the decedent or the elder abuse
19 of a victim shall be admissible in evidence against a claimant
20 of property in any civil action arising under this chapter.

21 § 8814.1. Preadjudication rule.

22 (a) [General rule] Escrow required.--

23 (1) If a person has been charged, whether by indictment,
24 information or otherwise, by the United States, the
25 Commonwealth or any of the several states, with voluntary
26 manslaughter or homicide, except homicide by vehicle, in
27 connection with a decedent's death, then any and all property
28 or benefit that would otherwise pass to that person from the
29 decedent's estate shall be placed and preserved in escrow by
30 the person duly appointed by the register as personal

1 representative. Upon dismissal or withdrawal of the charge,
2 or upon the return of a verdict of not guilty, the property
3 or benefit held in escrow shall pass as if no charge had been
4 filed or made. Upon conviction of the charge, the property or
5 benefit held in escrow shall pass in accordance with the
6 terms and provisions of this chapter.

7 (2) If a person has been charged, whether by indictment,
8 information or otherwise, by the United States, the
9 Commonwealth or any of the several states, with any of the
10 offenses of elder abuse defined by this chapter or offenses
11 as provided in Federal law and the laws of another state
12 substantially the same, any and all property or benefit that
13 would otherwise pass to that person from the decedent's
14 estate shall be placed and preserved in escrow by the person
15 duly appointed by the register as personal representative.
16 Upon dismissal or withdrawal of the charge, or upon the
17 return of a verdict of not guilty, the property or benefit
18 held in escrow shall pass as if no charge had been filed or
19 made. Upon conviction of the charge, the property or benefit
20 held in escrow shall pass in accordance with the terms and
21 provisions of this chapter.

22 (b) Exception.--Notwithstanding subsection (a), the duly
23 appointed personal representative shall be authorized upon
24 notice to all interested parties, including, but not limited to,
25 the accused, to petition the orphans' court division of the
26 court of common pleas in the county where the estate lies for
27 payment from the escrowed funds of child support and related
28 expenses and of expenses of estate administration. Disposition
29 of the petition shall lie in the sound discretion of the court.

30 (c) Notice to register of wills.--Within seven days of

1 charging, whether by indictment, information or otherwise, a
2 person with homicide or manslaughter or elder abuse the district
3 attorney shall, in writing, notify the register of the name of
4 the person charged, the name of the decedent or victim and the
5 charge.

6 Section 7. Title 20 is amended by adding a section to read:
7 § 8816. Intent to transfer notwithstanding elder abuse.

8 Notwithstanding the provisions of this chapter, an elder
9 abuser may acquire any property or receive any benefits as the
10 result of the death of the victim if it is proven by clear and
11 convincing evidence that the victim knew of the conviction but
12 expressed or ratified his intent to transfer the property,
13 benefit or interest to the elder abuser.

14 Section 8. This act shall take effect in 180 days.