

(To Resolve Conflicts)

A-Engrossed Senate Bill 392

Ordered by the House June 27
Including House Amendments dated June 27 to resolve conflicts

Sponsored by Senator WESTLUND (at the request of Tom DeWolf, Richard and Jeannie Northom)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Provides that if person slays other person, property that would have passed from heir or devisee of decedent to slayer, whether by intestate succession, by will or by trust, passes and vests as if slayer had predeceased decedent unless heir or devisee specifically provides otherwise by will or other instrument executed after death of decedent.

Provides that person who slays other person may not receive proceeds payable under life insurance policy and certain other instruments as beneficiary or assignee of heir or devisee of decedent unless heir or devisee specifically provides otherwise by instrument executed after death of decedent. Specifies that proceeds must be paid to secondary beneficiary or, if there is no secondary beneficiary, to personal representative for estate of heir or devisee.

A BILL FOR AN ACT

1
2 Relating to passage of property after death; creating new provisions; and amending ORS 112.465 and
3 112.515.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 112.465 is amended to read:

6 112.465. (1) Property that would have passed [*from the*] **by reason of the death of a** decedent
7 [*or the estate of the decedent*] **to a person who is the slayer of the decedent, whether** by intestate
8 succession, by will or by trust, [*shall pass and be vested*] **passes and vests** as if the slayer had
9 predeceased the decedent.

10 **(2) Property that would have passed by reason of the death of an heir or devisee of a**
11 **decedent to a person who is the slayer of the decedent, whether by intestate succession, by**
12 **will or by trust, passes and vests as if the slayer had predeceased the decedent unless the**
13 **heir or devisee specifically provides otherwise in a will or other instrument executed after**
14 **the death of the decedent.**

15 **SECTION 1a.** If House Bill 2415 becomes law, section 1 of this 2005 Act (amending ORS
16 112.465) is repealed and ORS 112.465, as amended by section 2, chapter _____, Oregon Laws
17 2005 (Enrolled House Bill 2415), is amended to read:

18 112.465. (1) Property that would have passed by [*intestate succession, by will or by trust from*]
19 **reason of the death of** a decedent [*or the estate of the decedent*] to a person who was a slayer or
20 an abuser of the decedent, **whether by intestate succession, by will or by trust,** passes and vests
21 as if the slayer or abuser had predeceased the decedent.

22 **(2) Property that would have passed by reason of the death of an heir or devisee of a**
23 **decedent to a person who was the slayer or abuser of the decedent, whether by intestate**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 **succession, by will or by trust, passes and vests as if the slayer or abuser had predeceased**
2 **the decedent unless the heir or devisee specifically provides otherwise in a will or other in-**
3 **strument executed after the death of the decedent.**

4 **SECTION 2.** ORS 112.515 is amended to read:

5 112.515. (1) **Except as provided under subsection (2) of this section,** proceeds payable **under**
6 **any of the following instruments** to or for the benefit of the slayer **of a decedent,** as beneficiary
7 or assignee of the decedent [*of the following interests*] **or as beneficiary or assignee of an heir or**
8 **devisee of the decedent,** [*shall*] **must** be paid to the secondary beneficiary[,], or, if there is no
9 secondary beneficiary, to the personal representative of the [*decedent's*] estate **of the decedent or**
10 **the decedent's heir or devisee:**

11 [(1)] (a) A policy or certificate of insurance on the life of the decedent.

12 [(2)] (b) A certificate of membership in any benevolent association or organization on the life
13 of the decedent.

14 [(3)] (c) Rights of the decedent as survivor of a joint life policy.

15 [(4)] (d) Proceeds under any pension, profit-sharing or other plan.

16 (2) **Proceeds payable under any of the instruments specified in subsection (1) of this**
17 **section to or for the benefit of the slayer of a decedent as beneficiary or assignee of an heir**
18 **or devisee of the decedent shall be paid to the slayer if the heir or devisee specifically pro-**
19 **vides for that payment by written instrument executed after the death of the decedent.**

20 **SECTION 2a.** If House Bill 2415 becomes law, section 2 of this 2005 Act (amending ORS
21 112.515) is repealed and ORS 112.515, as amended by section 7, chapter _____, Oregon Laws
22 2005 (Enrolled House Bill 2415), is amended to read:

23 112.515. (1) **Except as provided under subsection (2) of this section,** proceeds payable **under**
24 **any of the following instruments** to or for the benefit of a slayer of a decedent or an abuser of
25 a decedent, as beneficiary or assignee of the decedent [*of the following interests*] **or as beneficiary**
26 **or assignee of an heir or devisee of the decedent,** [*shall*] **must** be paid to the secondary
27 beneficiary[,], or, if there is no secondary beneficiary, to the personal representative of the
28 [*decedent's*] estate **of the decedent or the decedent's heir or devisee:**

29 [(1)] (a) A policy or certificate of insurance on the life of the decedent.

30 [(2)] (b) A certificate of membership in any benevolent association or organization on the life
31 of the decedent.

32 [(3)] (c) Rights of the decedent as survivor of a joint life policy.

33 [(4)] (d) Proceeds under any pension, profit-sharing or other plan.

34 (2) **Proceeds payable under any of the instruments specified in subsection (1) of this**
35 **section to or for the benefit of a slayer of a decedent or an abuser of a decedent as benefi-**
36 **ciary or assignee of an heir or devisee of the decedent shall be paid to the slayer or abuser**
37 **if the heir or devisee specifically provides for that payment by written instrument executed**
38 **after the death of the decedent.**

39 **SECTION 3.** The amendments to ORS 112.465 and 112.515 by sections 1 and 2 of this 2005
40 Act apply only to heirs or devisees who die on or after the effective date of this 2005 Act.

41 **SECTION 3a.** If House Bill 2415 becomes law, section 3 of this 2005 Act is amended to read:

42 **Sec. 3.** The amendments to ORS 112.465 and 112.515 by sections [*1 and 2*] **1a and 2a** of this 2005
43 Act apply only to heirs or devisees who die on or after the effective date of this 2005 Act.