

Enrolled
Senate Bill 392

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

CHAPTER

AN ACT

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

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

SECTION 1. ORS 112.465 is amended to read:

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

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

SECTION 1a. If House Bill 2415 becomes law, section 1 of this 2005 Act (amending ORS 112.465) is repealed and ORS 112.465, as amended by section 2, chapter 270, Oregon Laws 2005 (Enrolled House Bill 2415), is amended to read:

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

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

SECTION 2. ORS 112.515 is amended to read:

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

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

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

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

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

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

SECTION 2a. If House Bill 2415 becomes law, section 2 of this 2005 Act (amending ORS 112.515) is repealed and ORS 112.515, as amended by section 7, chapter 270, Oregon Laws 2005 (Enrolled House Bill 2415), is amended to read:

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

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

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

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

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

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

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

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

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

Passed by Senate June 9, 2005

Repassed by Senate July 5, 2005

.....
Secretary of Senate

.....
President of Senate

Passed by House June 30, 2005

.....
Speaker of House

Received by Governor:

.....M,....., 2005

Approved:

.....M,....., 2005

.....
Governor

Filed in Office of Secretary of State:

.....M,....., 2005

.....
Secretary of State