
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1760 Session of
2023

INTRODUCED BY HANBIDGE, SCHEMEL, MADDEN, HILL-EVANS, GUENST,
BRENNAN, T. DAVIS, KHAN, MENTZER, FREEMAN, BRIGGS, BANTA,
SANCHEZ AND D. WILLIAMS, OCTOBER 16, 2023

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,
OCTOBER 16, 2023

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
2 Pennsylvania Consolidated Statutes, in intestate succession,
3 further providing for forfeiture; in wills, further providing
4 for modification by circumstances; in slayers, further
5 providing for definition of terms, providing for elder abuser
6 not to acquire property, further providing for descent,
7 distribution, dower, curtesy, and statutory rights as
8 survivor, for legacies, for tenancies by the entirety, for
9 joint tenants, joint owners and joint obligees, for
10 reversions and vested remainders, for interests dependent on
11 survivorship or continuance of life, for contingent
12 remainders and executory or other future interests, for
13 powers of appointment, for proceeds of insurance, for bona
14 fide payment by insurance company or obligor, for bona fide
15 purchasers, for record of conviction as evidence and for
16 preadjudication rule and providing for intent to transfer
17 notwithstanding elder abuse; and making an editorial change.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

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

23 § 2106. Forfeiture.

24 * * *

1 (c) Slayer's share.--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 person shall not in any way acquire
4 property or receive any benefits as the result of such killing,
5 but such property or benefits shall be distributed as provided
6 in Chapter 88 (relating to slayers and elder abusers).

7 (c.1) Elder abuser's share.--Any person who is convicted of
8 offenses constituting elder abuse may not acquire property or
9 receive any benefits upon the death of the victim, but such
10 property or benefits shall be distributed as provided in Chapter
11 88.

12 * * *

13 Section 2. Section 2507(5) of Title 20 is amended and the
14 section is amended by adding a paragraph to read:

15 § 2507. Modification by circumstances.

16 Wills shall be modified upon the occurrence of any of the
17 following circumstances, among others:

18 * * *

19 (5) Slaying.--Any person who participates either as a
20 principal or as an accessory before the fact in the willful
21 and unlawful killing of any person shall not in any way
22 acquire property or receive any benefits as the result of the
23 willful and unlawful killing but such property or benefits
24 shall be distributed as provided by Chapter 88 (relating to
25 slayers and elder abusers).

26 (6) Elder abuse.--Any person who is convicted of
27 offenses constituting elder abuse may not acquire property or
28 receive any benefits upon the death of the victim, but such
29 property or benefits shall be distributed as provided by
30 Chapter 88.

1 Section 3. Chapter 88 heading and section 8801 of Title 20
2 are amended to read:

3 CHAPTER 88

4 SLAYERS AND ELDER ABUSERS

5 [§ 8801. Definition of terms.

6 As used in this chapter:

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

10 § 8801. Definitions.

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

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

15 "Elder abuse." An offense under 18 Pa.C.S. Chs. 27 (relating
16 to assault), 31 (relating to sexual offenses), 39 (relating to
17 theft and related offenses) and 41 (relating to forgery and
18 fraudulent practices) and criminal attempt, criminal
19 solicitation and criminal conspiracy to commit the offense under
20 18 Pa.C.S. Ch. 9 (relating to inchoate crimes), when the offense
21 is committed against a person 60 years of age or older.

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

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

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

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

1 Section 4. Title 20 is amended by adding a section to read:

2 § 8802.1. Elder abuser not to acquire property.

3 An elder abuser may not acquire any property or receive any
4 benefit upon the death of the victim, but such property shall
5 pass as provided in this chapter.

6 Section 5. Sections 8803, 8804, 8805, 8806, 8807, 8808,
7 8809, 8810, 8811, 8812, 8813, 8814 and 8814.1 of Title 20 are
8 amended to read:

9 § 8803. Descent, distribution, dower, curtesy, and statutory
10 rights as survivor.

11 The slayer or elder abuser shall be deemed to have
12 predeceased the decedent or victim as to property which would
13 have passed from the decedent or victim or his estate to the
14 slayer or elder abuser under the statutes of descent and
15 distribution or have been acquired by dower, by curtesy or by
16 statutory right as surviving spouse.

17 § 8804. Legacies.

18 Property which would have passed to or for the benefit of the
19 slayer or elder abuser by devise or legacy from the decedent or
20 victim shall be distributed as if he had predeceased the
21 decedent or victim.

22 § 8805. Tenancies by the entirety.

23 One-half of any property held by the slayer or elder abuser
24 and the decedent or victim as tenants by the entirety shall pass
25 upon the death of the decedent or victim to his estate, and the
26 other half shall be held by the slayer or elder abuser during
27 his life, subject to pass upon his death to the estate of the
28 decedent or victim.

29 § 8806. Joint tenants, joint owners and joint obligees.

30 (a) Joint ownership by slayer or elder abuser and decedent

1 or victim.--One-half of any property held by the slayer or elder
2 abuser and the decedent or victim as joint tenants, joint owners
3 or joint obligees shall pass upon the death of the decedent or
4 victim to his estate, and the other half shall pass to his
5 estate upon the death of the slayer or elder abuser, unless the
6 slayer or elder abuser obtains a separation or severance of the
7 property or a decree granting partition.

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

20 (c) Enforceable agreements unaffected.--The provisions of
21 this section shall not affect any enforceable agreement between
22 the parties or any trust arising because a greater proportion of
23 the property has been contributed by one party than by the
24 other.

25 § 8807. Reversions and vested remainders.

26 Property in which the slayer or elder abuser holds a
27 reversion or vested remainder and would have obtained the right
28 of present possession upon the death of the decedent or victim
29 shall pass to the estate of the decedent or victim during the
30 period of the life expectancy of the decedent or victim; if he

1 held the particular estate or if the particular estate is held
2 by a third person it shall remain in his hands for such period.
3 § 8808. Interests dependent on survivorship or continuance of
4 life.

5 Any interest in property, whether vested or not, held by the
6 slayer or elder abuser, subject to be divested, diminished in
7 any way or extinguished, if the decedent or victim survives him
8 or lives to a certain age, shall be held by the slayer or elder
9 abuser during his lifetime or until the decedent or victim would
10 have reached such age, but shall then pass as if the decedent or
11 victim had died immediately thereafter.

12 § 8809. Contingent remainders and executory or other future
13 interests.

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

18 (1) If the interest would not have become vested or
19 increased if he had predeceased the decedent or victim, he
20 shall be deemed to have so predeceased the decedent or
21 victim.

22 (2) In any case the interest shall not be vested or
23 increased during the period of the life expectancy of the
24 decedent or victim.

25 § 8810. Powers of appointment.

26 (a) Property appointed by will.--Property appointed by the
27 will of the decedent or victim to or for the benefit of the
28 slayer or elder abuser shall be distributed as if the slayer or
29 elder abuser had predeceased the decedent or victim.

30 (b) Other property.--Property held either presently or in

1 remainder by the slayer or elder abuser, subject to be divested
2 by the exercise by the decedent or victim of a power of
3 revocation or a general power of appointment shall pass to the
4 estate of the decedent or victim, and property so held by the
5 slayer or elder abuser, subject to be divested by the exercise
6 by the decedent or victim of a power of appointment to a
7 particular person or persons or to a class of persons, shall
8 pass to such person or persons, or in equal shares to the
9 members of such class of persons, exclusive of the slayer or
10 elder abuser.

11 § 8811. Proceeds of insurance.

12 (a) Policies on life of decedent or victim.--Insurance
13 proceeds payable to the slayer or elder abuser as the
14 beneficiary or assignee of any policy or certificate of
15 insurance on the life of the decedent or victim, or as the
16 survivor of a joint life policy, shall be paid to the estate of
17 the decedent or victim, unless the policy or certificate
18 designates some person not claiming through the slayer or elder
19 abuser as alternative beneficiary to him.

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

1 § 8812. Bona fide payment by insurance company or obligor.

2 Any insurance company making payment according to the terms
3 of its policy or any bank or other person performing an
4 obligation for the slayer or elder abuser as one of several
5 joint obligees shall not be subject to additional liability by
6 the terms of this chapter, if such payment or performance is
7 made without notice of the killing by a slayer or elder abuse by
8 an elder abuser.

9 § 8813. Bona fide purchasers.

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

22 § 8814. Record of conviction as evidence.

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

27 § 8814.1. Preadjudication rule.

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

29 (1) If a person has been charged, whether by indictment,
30 information or otherwise, by the United States, the

1 Commonwealth or any of the several states, with voluntary
2 manslaughter or homicide, except homicide by vehicle, in
3 connection with a decedent's death, then any and all property
4 or benefit that would otherwise pass to that person from the
5 decedent's estate shall be placed and preserved in escrow by
6 the person duly appointed by the register as personal
7 representative. Upon dismissal or withdrawal of the charge,
8 or upon the return of a verdict of not guilty, the property
9 or benefit held in escrow shall pass as if no charge had been
10 filed or made. Upon conviction of the charge, the property or
11 benefit held in escrow shall pass in accordance with the
12 terms and provisions of this chapter.

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

28 (b) Exception.--Notwithstanding subsection (a), the duly
29 appointed personal representative shall be authorized upon
30 notice to all interested parties, including, but not limited to,

1 the accused, to petition the orphans' court division of the
2 court of common pleas in the county where the estate lies for
3 payment from the escrowed funds of child support and related
4 expenses and of expenses of estate administration. Disposition
5 of the petition shall lie in the sound discretion of the court.

6 (c) Notice to register of wills.--Within seven days of
7 charging, whether by indictment, information or otherwise, a
8 person with homicide or manslaughter or elder abuse the district
9 attorney shall, in writing, notify the register of the name of
10 the person charged, the name of the decedent or victim and the
11 charge.

12 Section 6. Title 20 is amended by adding a section to read:
13 § 8816. Intent to transfer notwithstanding elder abuse.

14 Notwithstanding the provisions of this chapter, an elder
15 abuser may acquire any property or receive any benefits as the
16 result of the death of the victim if it is proven by clear and
17 convincing evidence that either:

18 (1) the victim knew of the conviction but expressed or
19 ratified intent to transfer the property, benefit or interest
20 to the elder abuser; or

21 (2) the victim and the elder abuser reconciled following
22 the conviction of elder abuse.

23 Section 7. This act shall take effect in 180 days.