

381.280 Forfeiture of right to property for killing or victimizing decedent -- Exemptions -- Escheat to elder and vulnerable victims trust fund.

- (1) If the husband, wife, heir-at-law, beneficiary under a will, joint tenant with the right of survivorship or the beneficiary under any insurance policy takes the life of the decedent or victimizes the decedent by the commission of any felony under KRS Chapter 209 and in either circumstance is convicted therefor, the person so convicted forfeits all interest in and to the property of the decedent, including any interest he or she would receive as surviving joint tenant, and the property interest or insurable interest so forfeited descends to the decedent's other heirs-at-law, beneficiaries, or joint tenants, unless otherwise disposed of by the decedent. A judge sentencing a person for an offense that triggers a forfeiture under this section shall inform the defendant of the provisions of this section at sentencing.
- (2) A forfeiture under subsection (1) of this section:
 - (a) Shall not apply in cases involving the commission of any felony under KRS Chapter 209 where the will, deed, or insurance policy was executed prior to January 1, 2012;
 - (b) Shall not apply in cases where the decedent, with knowledge of the person's disqualification, reaffirmed the right of the husband, wife, heir-at-law, beneficiary under a will, joint tenant with the right of survivorship, or insurance policy beneficiary to receive the property by executing a new or modified will or codicil, insurance policy or policy modification, or deed; and
 - (c) Shall not apply in cases of a felony under KRS Chapter 209 committed prior to January 1, 2012.
- (3) If, after the provisions of this section are applied, there are no other heirs-at-law, beneficiaries, or joint tenants of the decedent as to all or part of the interest forfeited, the forfeited interest shall escheat to the state under KRS Chapter 393. The Department of the Treasury shall, after liquidation of the interest, pay the proceeds into the elder and vulnerable adult victims trust fund established in KRS 41.305.

Effective: July 12, 2012

History: Amended 2012 Ky. Acts ch. 95, sec. 1, effective July 12, 2012. -- Amended 2011 Ky. Acts ch. 43, sec. 2, effective January 1, 2012; and ch. 43, sec. 3, effective June 8, 2011. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1406a.