

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

2

SENATE BILL 176*
Judiciary I Committee Substitute Adopted 4/19/99

Short Title: Slayer/Forfeiture of Prop. Rights/AB.

(Public)

Sponsors:

Referred to:

March 1, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAW RELATING TO THE FORFEITURE OF
3 PROPERTY RIGHTS BY SLAYERS, AS RECOMMENDED BY THE GENERAL
4 STATUTES COMMISSION.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 31A-4 reads as rewritten:

7 **"§ 31A-4. Slayer barred from testate or intestate succession and other rights.**

8 The slayer shall be deemed to have died immediately prior to the death of the
9 decedent and the following rules shall apply:

10 (1) The slayer shall not acquire any property or receive any benefit from the
11 estate of the decedent by testate or intestate succession or by common
12 law or statutory right as surviving spouse of the decedent.

13 (2) Where the decedent dies intestate as to property which would have
14 passed to the slayer by intestate ~~succession, such property shall pass to~~
15 ~~others next in succession in accordance with the applicable provision of~~
16 ~~the Intestate Succession Act.~~ succession and the slayer has living issue
17 who would have been entitled to an interest in the property if the slayer
18 had predeceased the decedent, the property shall be distributed to such

1 issue, per stirpes. If the slayer does not have such issue, then the
2 property shall be distributed as though the slayer had predeceased the
3 decedent.

- 4 (3) Where the decedent dies testate as to property which would have passed
5 to the slayer pursuant to the will, ~~such property shall pass as if the decedent~~
6 ~~had died intestate with respect thereto, unless otherwise disposed of by the~~
7 ~~will.~~ the devolution of such property shall be governed by G.S. 31-42(a)
8 notwithstanding the fact the slayer has not actually died before the
9 decedent."

10 Section 2. This act becomes effective October 1, 1999, and applies to the
11 estates of decedents dying on or after that date.