

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE BILL 1378\*

Short Title: Amend the Forfeiture of Property Rights Law.

(Public)

Sponsors: Senator Hartsell.

Referred to: Judiciary II.

May 16, 2006

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-3 reads as rewritten:

7 "**§ 31A-3. Definitions.**

8 As used in this Article, unless the context otherwise requires, the term –

9 (1) "Decedent" means the person whose life is taken by the slayer as  
10 defined in subdivision ~~(3)~~ (3) of this section.

11 (2) "Property" means any real or personal property and any right or  
12 interest therein.

13 (3) "Slayer" means any of the following:

14 a. ~~Any A person who~~ who, by a court of competent ~~jurisdiction~~  
15 jurisdiction, ~~shall have been~~ is convicted as a principal or  
16 accessory before the fact of the willful and unlawful killing of  
17 another ~~person; or person~~.

18 b. ~~Any A person who shall have~~ has entered a plea of guilty in  
19 open court as a principal or accessory before the fact of the  
20 willful and unlawful killing of another ~~person; or person~~.

21 c. ~~Any A person who~~, upon indictment or information as a  
22 principal or accessory before the fact of the willful and  
23 unlawful killing of another person, ~~shall have~~ has tendered a  
24 plea of nolo contendere which was accepted by the court and  
25 judgment entered ~~thereon; or thereon~~.

26 d. ~~Any person who shall have been found in a civil action or~~  
27 ~~proceeding brought within one year after the death of the~~  
28 ~~decedent to have willfully and unlawfully killed the decedent or~~  
29 ~~procured his killing, and who shall have died or committed~~

1 ~~suicide before having been tried for the offense and before the~~  
2 ~~settlement of the estate. A person who is found by a~~  
3 ~~preponderance of the evidence in a civil action brought within~~  
4 ~~two years after the death of the decedent to have willfully and~~  
5 ~~unlawfully killed the decedent or procured the killing of the~~  
6 ~~decedent. If a criminal proceeding is brought against the person~~  
7 ~~to establish the person's guilt as a principal or accessory before~~  
8 ~~the fact of the willful and unlawful killing of the decedent~~  
9 ~~within two years after the death of the decedent, the civil action~~  
10 ~~may be brought within 90 days after a final determination is~~  
11 ~~made by a court of competent jurisdiction in that criminal~~  
12 ~~proceeding or within the original two years after the death of~~  
13 ~~the decedent, whichever is later. The burden of proof in the civil~~  
14 ~~action is on the party seeking to establish that the killing was~~  
15 ~~willful and unlawful for the purposes of this Article.~~

16 e. A juvenile who is adjudicated to be delinquent by reason of  
17 committing an act that, if committed by an adult, would make  
18 the adult a principal or accessory before the fact of the willful  
19 and unlawful killing of another person.

20 The term "slayer" does not include a person who is found  
21 not guilty by reason of insanity of being a principal or accessory  
22 before the fact of the willful and unlawful killing of another  
23 person."

24 **SECTION 2.** Article 3 of Chapter 31A of the General Statutes is amended  
25 by adding a new section to read:

26 "**§ 31A-12.1. Remedies to be exclusive.**

27 This Article wholly supplants the common law rule preventing a person whose  
28 culpable negligence causes the death of a decedent from succeeding to any property  
29 passing by reason of the death of the decedent."

30 **SECTION 3.** This act is effective when it becomes law and applies to  
31 property passing from decedents dying on or after that date.