

SESSION OF 2023

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2027

As Amended by Senate Committee on Judiciary

Brief*

HB 2027, as amended, would amend the “slayer rule” in the Kansas Probate Code to create a procedure to prevent the distribution of estate assets until the resolution of criminal proceedings involving a person who has interest in the estate and who has been arrested or charged with the felonious killing of the decedent.

[*Note:* The bill contains a whereas clause designating its provisions as Karen’s Law.]

Designated Beneficiary

Current law prohibits persons convicted of feloniously killing, or procuring the killing of another person, from receiving any portion of the estate or property in which the decedent has an interest by specifying ways in which that transfer could not occur. The bill would add the circumstances in which the person convicted of such crime is a designated beneficiary of real or personal property of the decedent.

Court Order

The bill would allow a court to prohibit the sale, distribution, spending, or use of the decedent’s asset or interest, or a portion of such by a person who has been arrested for or charged with the felonious killing or procuring the killing of the decedent.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The bill would allow the court to make such order based on its own motion or upon the written request of any party and may enter the order *ex parte* upon a showing of criminal charges filed against a person interested in the estate.

Modification or Termination of a Court Order

The bill would specify a court order would be in effect until modified or terminated by the court. However, if a person subject to the order makes a written request, the court would be required to fix the time and place for the hearing and provide notice of the hearing.

The court would be required to terminate the order if the court finds any of the following events relating to the arrest or charges that were the basis for the order have occurred:

- Dismissal of all charges;
- Acquittal of all charges;
- Conviction or other disposition; or
- Expungement of the arrest records by court order pursuant to continuing law.

Background

The bill was introduced by Representatives Wasinger and Ballard.

House Committee on Judiciary

In the House Committee on Judiciary hearing on January 17, 2023, two private citizens testified as **proponents**, describing their personal experience with a scenario in which the bill's provisions could have been utilized to freeze probate assets during a pending criminal case.

Written-only neutral testimony was provided by a representative of the State Board of Indigents' Defense

Services (BIDS), requesting an amendment to clarify language regarding the automatic termination provision in the bill.

No other testimony was provided.

Senate Committee on Judiciary

In the Senate Committee hearing on March 7, 2023, Representatives Ballard and Blew (on behalf of Representative Wasinger), an attorney, and a private citizen testified as proponents of the bill. The proponents generally stated the bill would remove a void in the statute that allows individuals to inherit who may have been criminally charged with the decedent's death.

Neutral written-only testimony was provided by a representative of BIDS.

No other testimony was provided.

The Senate Committee amended the bill to clarify an event that would trigger the termination of a court order authorized by the bill.

Fiscal Information

According to the fiscal note prepared by the Division of Budget on the bill, as introduced, the Office of Judicial Administration states enactment of the bill could have a fiscal effect on expenditures because the bill's provisions could increase the workload for court employees and judges processing and deciding cases. The Office states a fiscal effect cannot be estimated until the Judicial Branch has had an opportunity to operate under the bill's provisions.

Any fiscal effect associated with the bill is not reflected in *The FY 2024 Governor's Budget Report*.

Kansas Probate Code; decedent; felonious killing; court order; *ex parte*