

1981 Assembly Bill 785

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## CHAPTER 228 , Laws of 1981

AN ACT to renumber 700.17 (2); and to create 632.485, 700.17 (2) (b), 852.01 (2m), 853.11 (3m), 895.43 and 895.435 of the statutes, relating to preventing persons from receiving property by contract, by will or by intestacy from persons they have intentionally and feloniously killed.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 632.485 of the statutes is created to read:

**632.485 Requirement that beneficiary not have intentionally killed the insured.** (1) A beneficiary of a life insurance policy who intentionally and feloniously kills the person on whose life the policy is issued may not receive any benefit under the policy. The policy is payable as if the killer had predeceased the decedent.

(2) Section 852.01 (2m) (b) and (c) applies to this section.

SECTION 2. 700.17 (2) of the statutes is renumbered 700.17 (2) (a).

SECTION 3. 700.17 (2) (b) of the statutes is created to read:

700.17 (2) (b) 1. If a joint tenant feloniously and intentionally kills another joint tenant of the same property, the joint tenancy is severed so that the interest of the decedent passes as the decedent's property and the killer has no right of survivorship as to that property.

2. Section 852.01 (2m) (b) and (c) applies to this paragraph.

SECTION 4. 852.01 (2m) of the statutes is created to read:

**852.01 (2m) REQUIREMENT THAT HEIR NOT HAVE INTENTIONALLY KILLED THE DECEASED.** (a) If any person who would otherwise be an heir under sub. (1) has feloniously and intentionally killed the decedent, the net estate not disposed of by will passes as if the killer had predeceased the decedent.

(b) A final judgment of conviction of felonious and intentional killing is conclusive for purposes of this subsection. In the absence of such a conviction, the court, on the basis of clear and convincing evidence, may determine whether the killing was felonious and intentional for purposes of this subsection.

(c) This subsection does not affect the rights of any person who, before rights under this subsection have been adjudicated, purchases for value and without notice from the killer property that the killer would have acquired except for this subsection; but the killer is liable for the amount of the proceeds. No insurance company, bank or other obligor paying according to the terms of its policy or obligation is liable because of this subsection unless before payment it has received at its home office or principal address written notice of a claim under this subsection.

SECTION 5. 853.11 (3m) of the statutes is created to read:

**853.11 (3m) INTENTIONAL KILLING OF DECEDENT BY BENEFICIARY.** (a) If any beneficiary under a will has feloniously and intentionally killed the decedent, the property that the killer would have taken passes as if the killer had predeceased the decedent unless a

court decides that, under the factual situation created by the killing, the decedent's wishes would best be carried out by means of another disposition of the decedent's property.

(b) Section 852.01 (2m) (b) and (c) applies to this subsection.

SECTION 5m. 895.43 of the statutes is created to read:

**895.43 Intentional killing by beneficiary of contract.** A named beneficiary of a contractual arrangement who feloniously and intentionally kills the principal obligee may not receive any benefit under the contractual arrangement. The benefit is payable as though the beneficiary had predeceased the decedent. Section 852.01 (2m) (b) and (c) applies to this section.

SECTION 5n. 895.435 of the statutes is created to read:

**895.435 Intentional killing by beneficiary of certain death benefits.** (1) A beneficiary who feloniously and intentionally kills an individual may not receive any benefit payable by reason of the death of that individual. The benefit is payable as though the beneficiary had predeceased the decedent.

(2) Section 852.01 (2m) (b) and (c) applies to this section.

SECTION 6. **Initial applicability.** This act first applies to property transferred because of deaths occurring on the effective date of this act.

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