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MEMORANDUM

To: House Committee on Judiciary

From: Office of Revisor of Statutes

Date: January 17, 2023

Subject: Bill Brief on HB 2027

HB 2027 creates a procedure to prevent distribution of a decedent's assets to a person arrested for or charged with the felonious killing of the decedent until criminal proceedings are completed.

The bill amends K.S.A. 59-513, which provides that no person convicted of feloniously killing, or procuring the killing of, another person shall inherit or taking from such other person any portion of the estate or property in which the decedent had an interest. The bill adds to subsection (a) that the designated beneficiary of real or personal property shall not inherit if they are convicted of feloniously killing, or procuring the killing of, the person from whom they would inherit.

The bill also adds a new subsection (c) that provides the court may prohibit the sale, distribution, spending or use of an asset or interest that is described in subsection (a) by a person who is arrested or charged with the felonious killing or procuring the killing of the decedent. An order under this subsection may be granted ex parte after criminal charges are filed and would remain in effect until modified or terminated by the court. On the written request of a person subject to an order to modify or terminate the order, the court shall set the matter for hearing. The court shall terminate the order if the court finds (1) the charges were dismissed, (2) the person was acquitted of the charges, (3) the person was convicted of the charges, allowing the permanent prohibition in subsection (a) to operate, or (4) the arrest records related to the incident were expunged.