

Kansas State Legislature
300 SW 10th Street
Topeka KS 66612

Re: Testimony in Support of HB2027

Good morning members,

My name is Chris McGowne, and I am an attorney who lives in Hays, KS. I practice law in Kansas and Colorado, which includes an extensive amount of probate all throughout the state Kansas. I appreciate the opportunity to provide testimony on HB2027, which changes the probate code to prohibit persons arrested and charged with felony killing of another from receiving estate assets.

I want to start by saying this change is necessary, reasonable, and will close what amounts to a loophole in the “slayer” provision of Kansas probate law by limiting those individuals who kill a spouse or person from whom they will inherit from receiving those proceeds.

Such a prohibition is not novel, indeed slayer provisions keep those individuals convicted of killing a person from whom they inherit from receiving those proceeds already. All this law does is prohibit a person from receiving that money prior to conviction. In other words, people charged with killing another person should not be able to pay for a defense with the proceeds of a crime.

I believe not only is this bill necessary, but it is narrowly tailored. It speaks only to killing of another, and the prohibition on receiving of funds does not prohibit distribution if that person is found innocent. Further the statutory change is permissive in nature, allowing for judicial discretion based on individual fact patterns.

Simply put, this is another tool in the toolbox to ensure people charged with murder do not benefit from the crime. It gives significant leeway to judicial officers, thus affording those charged with adequate due process protections. This is a win-win piece of legislation that should not only be law in Kansas, but nationwide.

I am happy to answer any questions and please vote yes on HB2027.

Thank you,

Chris