

**SB41 INTRODUCED**



1 SB41  
2 5V9WBM6-1  
3 By Senator Kelley  
4 RFD: Judiciary  
5 First Read: 13-Jan-26  
6 PFD: 07-Jan-26



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SYNOPSIS:

Under existing law, various laws exist to ensure a person does not profit from intentionally killing another, including: (i) prohibiting an individual who intentionally and feloniously kills a decedent from receiving any benefits under the decedent's will or intestate succession; (ii) providing that any joint tenant who intentionally and feloniously kills another joint tenant loses his or her property interest; and (iii) prohibiting any named beneficiary of any contractual obligation who intentionally and feloniously kills the obligee from receiving any benefit from the contract.

This bill would provide that any individual who is convicted of elder abuse or financial exploitation of an elderly person: (i) may not receive any benefits under the abused or exploited individual's will or, if no will, through intestate succession; (ii) loses his or her property interest in any joint tenancy held with the abused or exploited individual; and (iii) may not receive any benefits in which the abused or exploited individual was the obligee.

A BILL



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29 TO BE ENTITLED

30 AN ACT

31

32 Relating to abuse and exploitation of an elder; to  
33 amend Section 43-8-253, Code of Alabama 1975; to provide for  
34 the effect of the abuse or exploitation of an elder on  
35 intestate succession, wills, joint assets, and certain other  
36 contractual obligations.

37 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

38 Section 1. Section 43-8-253, Code of Alabama 1975, is  
39 amended to read as follows:

40 "§43-8-253

41 (a) A surviving spouse, heir, or devisee who abuses or  
42 feloniously and intentionally kills the decedent ~~is not~~  
43 ~~entitled to~~ may not receive any benefits under the will or  
44 under articles 3 through 10 of this chapter, and the estate of  
45 decedent passes as if the killer or abuser had predeceased the  
46 decedent. Property appointed by the will of the decedent to or  
47 for the benefit of the killer or abuser passes as if the  
48 killer or abuser had predeceased the decedent.

49 (b) Any joint tenant who abuses or feloniously and  
50 intentionally kills another joint tenant ~~thereby effects a~~  
51 ~~severance of~~ shall be deemed severed from the interest of the  
52 decedent so that the share of the decedent passes as his or  
53 her property and the killer or abuser has no rights by  
54 survivorship. This ~~provision applies to~~ subsection shall apply  
55 to all of the following: (i) joint tenancies with the right of  
56 survivorship and tenancies in common during the respective



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57 lives of the grantees with cross-contingent remainders in fee  
58 to the survivor in real and personal property~~;~~ (ii) joint and  
59 multiple-party accounts in banks~~;~~ (iii) savings and loan  
60 associations~~;~~ (iv) credit unions and other institutions~~;~~ and  
61 (v) any other form of co-ownership with survivorship  
62 incidents.

63 (c) A named beneficiary of a bond, life insurance  
64 policy, or other contractual arrangement who abuses or  
65 feloniously and intentionally kills the principal obligee or  
66 the ~~person individual~~ upon whose life the policy is issued ~~is~~  
67 ~~not entitled to~~ may not receive any benefit under the bond,  
68 policy, or other contractual arrangement, and it becomes  
69 payable as though the killer or abuser had predeceased the  
70 decedent.

71 (d) Any other acquisition of property or interest by  
72 the killer or abuser shall be treated in accordance with the  
73 principles of this section.

74 (e) (1) For the purposes of this section, an individual  
75 shall be deemed to have abused another if the individual is  
76 convicted of elder abuse and neglect in the first or second  
77 degree or financial exploitation of an elderly person in the  
78 first or second degree, pursuant to Article 9 of Chapter 6 of  
79 Title 13A.

80 (2) A final judgment of conviction of felonious and  
81 intentional killing, elder abuse and neglect, or financial  
82 exploitation of an elderly person is conclusive for purposes  
83 of this section. In the absence of a conviction of felonious  
84 and intentional killing, elder abuse and neglect, or financial



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85 exploitation of an elderly person, the court may determine by  
86 a preponderance of evidence whether the killing or abuse was  
87 felonious and intentional for purposes of this section.

88 (f) This section does not affect the rights of any  
89 ~~person~~ individual who, before rights under this section have  
90 been adjudicated, purchases from the killer or abuser for  
91 value and without notice property which the killer or abuser  
92 would have acquired except for this section, but the killer or  
93 abuser is liable for the amount of the proceeds or the value  
94 of the property. Any insurance company, bank, or other obligor  
95 making payment according to the terms of its policy or  
96 obligation is not liable by reason of this section unless  
97 prior to payment it has received at its home office or  
98 principal address written notice of a claim under this  
99 section."

100 Section 2. This act shall become effective on October  
101 1, 2026.