

Kansas Probate Code—Slayer Rule; HB 2027

HB 2027 amends 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 adds 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 allows 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.

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

The court will 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.