



LAWS OF ALASKA

1988

Source

HCS CSSB 320 (HESS)

Chapter No.

164

AN ACT

Relating to damages for the death of a person and the distribution of that person's estate.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Permitted to Become Law Without Signature
Actual Effective Date: September 14, 1988

AN ACT

Relating to damages for the death of a person and the distribution of that person's estate.

* Section 1. AS 09.55.580(a) is amended to read:

(a) Except as provided under (f) of this section, when [WHEN] the death of a person is caused by the wrongful act or omission of another, the personal representatives of the former may maintain an action therefor against the latter, if the former might have maintained an action, had the person lived, against the latter for an injury done by the same act or omission. The action shall be commenced within two years after the death, and the damages therein shall be the damages the court or jury may consider fair and just. The amount recovered, if any, shall be exclusively for the benefit of the decedent's spouse and children when the decedent is survived by a spouse or children, or other dependents. When the decedent is survived by no spouse or children or other dependents, the amount recovered shall be administered as other personal property of the decedent but shall be limited to pecuniary loss. When the plaintiff prevails, the trial court shall determine the allowable costs and expenses of the action and may, in its discretion, require notice and hearing thereon. The amount recovered shall be distributed only after payment of all costs and expenses of suit and debts and expenses of administration.

* Sec. 2. AS 09.55.580 is amended by adding a new subsection to read:

(f) A person whose act or omission constitutes the felonious

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1 killing of another person may not recover damages for the death of
2 that person either directly or as a personal representative of that
3 person's estate. In this subsection, a "felonious killing" means a
4 crime defined by AS 11.41.100 - 11.41.140.

5 * Sec. 3. AS 13.11.305(a) is amended to read:

6 Sec. 13.11.305. EFFECT OF FELONIOUS KILLING [HOMICIDE] ON INTES-
7 TATE SUCCESSION, WILLS, JOINT ASSETS, LIFE INSURANCE, AND BENEFICIARY
8 DESIGNATIONS. (a) A surviving spouse, heir, or devisee who felon-
9 iously [AND INTENTIONALLY] kills the decedent is not entitled to any
10 benefits under the will or under this chapter, and the estate of the
11 decedent passes as if the killer had predeceased the decedent. Prop-
12 erty appointed by the will of the decedent to or for the benefit of
13 the killer passes as if the killer had predeceased the decedent.

14 * Sec. 4. AS 13.11.305(b) is amended to read:

15 (b) A joint tenant who feloniously [AND INTENTIONALLY] kills
16 another joint tenant thereby effects a severance of the interest of
17 the decedent so that the share of the decedent passes as the dece-
18 dent's property and the killer has no rights by survivorship. This
19 provision applies to joint tenancies and tenancies by the entirety in
20 real and personal property, joint and multiple-party accounts in
21 banks, savings and loan associations, credit unions and other insti-
22 tutions, and any other form of co-ownership with survivorship inci-
23 dents.

24 * Sec. 5. AS 13.11.305(c) is amended to read:

25 (c) A named beneficiary of a bond, life insurance policy, or
26 other contractual arrangement who feloniously [AND INTENTIONALLY]
27 kills the principal obligee or the person upon whose life the policy
28 is issued is not entitled to any benefit under the bond, policy, or
29 other contractual arrangement, and it becomes payable as though the

1 killer had predeceased the decedent.

2 * Sec. 6. AS 13.11.305(e) is amended to read:

3 (e) A final judgment of conviction of felonious [AND INTEN-
4 TIONAL] killing is conclusive for purposes of this section. In the
5 absence of a conviction of felonious [AND INTENTIONAL] killing the
6 court may determine by a preponderance of evidence whether the killing
7 was felonious [AND INTENTIONAL] for purposes of this section.

8 * Sec. 7. AS 13.11.305(f) is amended to read:

9 (f) This section does not affect the rights of a [ANY] person
10 who, before rights under this section have been adjudicated, purchases
11 from the killer for value and without notice property that [WHICH] the
12 killer would have acquired except for this section, but the killer is
13 liable for the amount of the proceeds or the value of the property.
14 An [ANY] insurance company, bank, or other obligor making payment
15 according to the terms of its policy or obligation is not liable by
16 reason of this section unless before payment it has received at its
17 home office or principal address written notice of a claim under this
18 section.

19 * Sec. 8. AS 13.11.305 is amended by adding a new subsection to read:

20 (g) In this section, a "felonious killing" means a crime defined
21 under AS 11.41.100 - 11.41.140.