

Introduced: 2/18/80
Referred: Judiciary

BY RODEY AND ZIEGLER

1 IN THE SENATE

2 SENATE BILL NO. 478

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the effect of homicide under the
7 Uniform Probate Code."

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

9 * Section 1. AS 13.11.305 is amended by adding new subsections to read:

10 (g) Before a determination is made whether the killing was
11 felonious and intentional under (e) of this section, a constructive
12 trust is imposed on the decedent's and the killer's interest in all
13 property affected by this section. The court shall designate the
14 decedent's personal representative as the trustee and designate the
15 decedent's estate and the killer as the beneficiaries. The purpose of
16 the trust is to preserve the property and to protect the interests of
17 the beneficiaries in the affected property. The trustee shall have the
18 power to sell the affected property only with the approval of the court.
19 The cost of administering the trust property shall be apportioned among
20 the beneficiaries.

21 (h) If the killer is the personal representative of the decedent,
22 the court shall appoint a successor personal representative. Notwith-
23 standing AS 13.16.415, a successor personal representative under this
24 subsection may, before a determination is made whether the killing was
25 felonious and intentional under (e) of this section, exercise any power
26 made personal to the killer.