

1 IN THE SENATE

BY DUNCAN

2 SENATE BILL NO. 320

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to damages for death of a minor; and
7 distribution of a minor's estate."

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

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

10 (a) Except as provided under (f) of this section, when [WHEN]
11 the death of a person is caused by the wrongful act or omission of
12 another, the personal representatives of the former may maintain an
13 action therefor against the latter, if the former might have main-
14 tained an action, had the person lived, against the latter for an
15 injury done by the same act or omission. The action shall be com-
16 menced within two years after the death, and the damages therein shall
17 be the damages the court or jury may consider fair and just. The
18 amount recovered, if any, shall be exclusively for the benefit of the
19 decedent's spouse and children when the decedent is survived by a
20 spouse or children, or other dependents. When the decedent is surviv-
21 ed by no spouse or children or other dependents, the amount recovered
22 shall be administered as other personal property of the decedent but
23 shall be limited to pecuniary loss. When the plaintiff prevails, the
24 trial court shall determine the allowable costs and expenses of the
25 action and may, in its discretion, require notice and hearing thereon.
26 The amount recovered shall be distributed only after payment of all
27 costs and expenses of suit and debts and expenses of administration.

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

29 (f) A person whose negligent or wrongful act or omission is a

1 cause of the death of a minor may not recover damages for the death of
2 the minor either directly or as a personal representative of the
3 minor's estate.

4 * Sec. 3. AS 13.11 is amended by adding a new section to article 8 to
5 read:

6 Sec. 13.11.310. EFFECT OF WRONGFUL CONDUCT ON DISTRIBUTION OF
7 MINOR'S ESTATE. A person whose negligent or wrongful act or omission
8 is a cause of the death of a minor decedent is not entitled to benefit
9 under the will or under this chapter, and the estate of the decedent
10 passes as if that person had predeceased the decedent.

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