

By: Gattis

H.B. No. 1805

A BILL TO BE ENTITLED

AN ACT

relating to the forfeiture of rights and interests of certain heirs, devisees, and legatees.

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

SECTION 1. Section 41, Texas Probate Code, is amended by amending Subsection (d) and adding Subsections (e) and (f) to read as follows:

(d) Convicted Persons and Suicides. No conviction shall work corruption of blood or forfeiture of estate, except as provided by Subsection (e) of this section. ~~There may be no [in the case of a beneficiary in a life insurance policy or contract who is convicted and sentenced as a principal or accomplice in wilfully bringing about the death of the insured, in which case the proceeds of such insurance policy or contract shall be paid as provided in the Insurance Code of this State, as same now exists or is hereafter amended, nor shall there be any]~~ forfeiture of estate by reason of death by casualty; and the estates of those who destroy their own lives shall descend or vest as in the case of natural death.

(e) A person who is convicted of an offense under Section 19.02 or 19.03, Penal Code, or under the laws of another state for an offense containing elements that are substantially similar to the elements of an offense under Section 19.02 or 19.03, Penal Code, shall forfeit a right or interest granted to the person under the terms of a decedent's will or by inheritance from a decedent's

1 estate if the decedent was the victim of the offense.

2 (f) A person who forfeits a right or interest described by
3 Subsection (e) of this section is treated, for the purpose of the
4 distribution of the estate, as if the person predeceased the
5 decedent.

6 SECTION 2. Article 1.19, Code of Criminal Procedure, is
7 amended to read as follows:

8 Art. 1.19. CORRUPTION OF BLOOD, ETC. Except as provided by
9 Section 41, Texas Probate Code, no [No] conviction shall work
10 corruption of blood or forfeiture of estate.

11 SECTION 3. (a) The changes in law made by this Act apply
12 only to a person convicted of an offense committed on or after the
13 effective date of this Act. For purposes of this section, an offense
14 is committed before the effective date of this Act if any element of
15 the offense occurs before the effective date.

16 (b) A person who is convicted of an offense committed before
17 the effective date of this Act is covered by the law in effect when
18 the offense was committed, and the former law is continued in effect
19 for that purpose.

20 SECTION 4. This Act takes effect on the date the
21 constitutional amendment proposed by the 80th Legislature, Regular
22 Session, 2007, relating to the forfeiture of rights and interests
23 of certain heirs, devisees, and legatees takes effect. If that
24 amendment is not approved by the voters, this Act has no effect.