S T A T E O F N E W Y O R K

3009

2009-2010 Regular Sessions

I N A S S E M B L Y

January 22, 2009

Introduced by M. of A. BARCLAY, WALKER, ERRIGO, HAWLEY, McKEVITT -- Multi-Sponsored by -- M. of A. BACALLES, CROUCH, OAKS, QUINN, SAYWARD, THIELE, TOWNSEND -- read once and referred to the Committee on Judiciary

AN ACT to amend the estates, powers and trusts law, in relation to the distribution of a decedent's estate

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The estates, powers and trusts law is amended by adding a new section 4-1.3 to read as follows:

S 4-1.3 DISQUALIFICATION OF CERTAIN PERSONS FROM TAKING A DISTRIBUTIVE SHARE

(A) NO DISTRIBUTIVE SHARE IN THE ESTATE OF A DECEDENT SHALL BE ALLOWED TO A PERSON CONVICTED OF COMMITTING OR ATTEMPTING TO COMMIT A SEX OFFENSE DEFINED IN ARTICLE ONE HUNDRED THIRTY OF THE PENAL LAW WHERE THE VICTIM WAS THE DECEDENT.

(B) IN THE EVENT THAT A PERSON IS DISQUALIFIED FROM TAKING A DISTRIBUTIVE SHARE IN THE ESTATE OF A DECEDENT, UNDER THIS SECTION, THE ESTATE OF SUCH DECEDENT SHALL BE DISTRIBUTED IN ACCORDANCE WITH 4-1.1 AS THOUGH SUCH PERSON HAD PREDECEASED THE DECEDENT.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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