

Law. Judiciary 2/19/87 De. Base #12 (p. 519)

House File 168

JUDICIARY: Holt, Chair: Drake and Varn

FEB 5 1987

Place On Calendar

HOUSE FILE 168

BY COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT

(Formerly House Study Bill 35)

Passed House, Date 2-16-87 (p. 269) Passed Senate, Date 2-16-87 (p. 497)

Vote: Ayes 94 Nays \_\_\_\_\_ Vote: Ayes 47 Nays 0

Approved March 30, 1987 (p. 953)

A BILL FOR

1 An Act to prohibit a person who intentionally and unjustifiably  
2 causes or procures the death of another from receiving any  
3 property, benefit, or other interest by reason of the death.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 168

1 Section 1. Section 633.535, Code 1987, is amended by  
2 striking the section and inserting in lieu thereof the  
3 following:

4 633.535 PERSON CAUSING DEATH.

5 1. A person who intentionally and unjustifiably causes or  
6 procures the death of another shall not receive any property,  
7 benefit, or other interest by reason of the death as an heir,  
8 distributee, beneficiary, appointee, or in any other capacity  
9 whether the property, benefit, or other interest passed under  
10 any form of title registration, testamentary or  
11 nontestamentary instrument, intestacy, renunciation, or any  
12 other circumstance. The property, benefit, or other interest  
13 shall pass as if the person causing death died before the  
14 decedent.

15 2. A joint tenant who intentionally and unjustifiably  
16 causes or procures the death of another joint tenant thereby  
17 affecting their interests so that the share of the decedent  
18 passes as the decedent's property and the person causing death  
19 has no rights by survivorship. This provision applies to  
20 joint tenancies and tenancies by the entireties in real and  
21 personal property, joint and multiple-party accounts in banks,  
22 savings and loan associations, credit unions, and other  
23 institutions, and any other form of co-ownership with  
24 survivorship rights.

25 3. A named beneficiary of a bond, life insurance policy,  
26 or any other contractual arrangement who intentionally and un-  
27 justifiably causes or procures the death of the principal  
28 obligee or person upon whose life the policy is issued or  
29 whose death generates the benefits under any other contractual  
30 arrangement is not entitled to any benefit under the bond,  
31 policy, or other contractual arrangement, and the benefits  
32 become payable as though the person causing death had  
33 predeceased the decedent.

34 Sec. 2. Section 633.536, Code 1987, is amended by striking  
35 the section and inserting in lieu thereof the following:

1 633.536 PROCEDURE TO DENY BENEFITS TO A PERSON CAUSING  
2 DEATH.

3 A determination under section 633.535 may be made by any  
4 court of competent jurisdiction by a preponderance of the evi-  
5 dence separate and apart from any criminal proceeding arising  
6 from the death. However, such a civil proceeding shall not  
7 proceed to trial, and the person causing death is not required  
8 to submit to discovery in such a civil proceeding until the  
9 criminal proceeding has been finally determined by the trial  
10 court, or in the event no criminal charge has been brought,  
11 until six months after the date of death. A person convicted  
12 of murder or voluntary manslaughter of the decedent is con-  
13 clusively presumed to have intentionally and unjustifiably  
14 caused the death for purposes of this section and section  
15 633.535.

16 Sec. 3. Section 633.537, Code 1987, is amended by striking  
17 the section and inserting in lieu thereof the following:

18 633.537 THIRD PARTY NONLIABILITY.

19 Any insurance company, bank, or other obligor making  
20 payment according to the terms of its policy or obligation is  
21 not liable by reason of section 633.535 unless prior to  
22 payment it has received at its home office or principal  
23 address written notice of the claimed applicability of section  
24 633.535.

25 EXPLANATION

26 This bill expands the prohibition in the probate code  
27 against a person causing the death of another from receiving  
28 any benefit, property, or other interest as a result of the  
29 death. Survivorship rights on jointly held property is  
30 specifically included. The question may be determined by any  
31 court of competent jurisdiction and a conviction for murder or  
32 manslaughter creates a nonrebuttable presumption. Persons  
33 making a payment on any obligation or policy to a person who  
34 caused the death of another upon which the payment or  
35 obligation was conditioned are not liable unless they received  
36 written notice of the applicability of the prohibition.

HSR 35

Judiciary & Law Enforcement

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY AND LAW EN-  
FORCEMENT BILL)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act to prohibit a person who intentionally and unjustifiably  
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SUB COMMITTEE ASSIGNMENTS

*Charles McKinney*  
COMMITTEE: *Judiciary*  
*1-19-87*

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23 institutions, and any other form of coownership with  
24 survivorship rights.

25 3. A named beneficiary of a bond, life insurance policy,  
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28 obligee or person upon whose life the policy is issued or  
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34 Sec. 2. Section 633.536, Code 1987, is amended by striking  
35 the section and inserting in lieu thereof the following:



1 caused the death of another upon which the payment or  
2 obligation was conditioned are not liable unless they received  
3 written notice of the applicability of the prohibition.

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HOUSE FILE 168

AN ACT

TO PROHIBIT A PERSON WHO INTENTIONALLY AND UNJUSTIFIABLY  
CAUSES OR PROCURES THE DEATH OF ANOTHER FROM RECEIVING  
ANY PROPERTY, BENEFIT, OR OTHER INTEREST BY REASON OF  
THE DEATH.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 633.535, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

633.535 PERSON CAUSING DEATH.

1. A person who intentionally and unjustifiably causes or procures the death of another shall not receive any property, benefit, or other interest by reason of the death as an heir, distributee, beneficiary, appointee, or in any other capacity whether the property, benefit, or other interest passed under any form of title registration, testamentary or nontestamentary instrument, intestacy, renunciation, or any other circumstance. The property, benefit, or other interest shall pass as if the person causing death died before the decedent.

2. A joint tenant who intentionally and unjustifiably causes or procures the death of another joint tenant thereby affecting their interests so that the share of the decedent passes as the decedent's property and the person causing death has no rights by survivorship. This provision applies to joint tenancies and tenancies by the entireties in real and personal property, joint and multiple-party accounts in banks,

savings and loan associations, credit unions, and other institutions, and any other form of co-ownership with survivorship rights.

3. A named beneficiary of a bond, life insurance policy, or any other contractual arrangement who intentionally and unjustifiably causes or procures the death of the principal obligee or person upon whose life the policy is issued or whose death generates the benefits under any other contractual arrangement is not entitled to any benefit under the bond, policy, or other contractual arrangement, and the benefits become payable as though the person causing death had predeceased the decedent.

Sec. 2. Section 633.536, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

633.536 PROCEDURE TO DENY BENEFITS TO A PERSON CAUSING DEATH.

A determination under section 633.535 may be made by any court of competent jurisdiction by a preponderance of the evidence separate and apart from any criminal proceeding arising from the death. However, such a civil proceeding shall not proceed to trial, and the person causing death is not required to submit to discovery in such a civil proceeding until the criminal proceeding has been finally determined by the trial court, or in the event no criminal charge has been brought, until six months after the date of death. A person convicted of murder or voluntary manslaughter of the decedent is conclusively presumed to have intentionally and unjustifiably caused the death for purposes of this section and section 633.535.

Sec. 3. Section 633.537, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

633.537 THIRD PARTY NONLIABILITY.

Any insurance company, bank, or other obligor making payment according to the terms of its policy or obligation is not liable by reason of section 633.535 unless prior to



payment it has received at its home office or principal address written notice of the claimed applicability of section 633.535.

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DONALD D. AVENSON  
Speaker of the House

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JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 168, Seventy-second General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved March 30, 1987

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TERRY E. BRANSTAD  
Governor