

2023 Kansas Statutes

59-513. Incapacity of person who kills another to take from decedent's estate or property; effect on estates and property of both of suicide by person who kills spouse; order prohibiting disposition of assets until criminal proceedings are completed. (a) No person convicted of feloniously killing, or procuring the killing of, another person shall inherit or take by will, by intestate succession, as a surviving joint tenant, as the designated beneficiary of real or personal property, as a beneficiary under a trust or otherwise from such other person any portion of the estate or property in which the decedent had an interest.

(b) When any person kills or causes the killing of such person's spouse, and then takes such person's own life, the estates and property of both persons shall be disposed of as if their deaths were simultaneous pursuant to the provisions of K.S.A. 58-708 to 58-718, inclusive, and amendments thereto.

(c) (1) The court may, upon its own motion or upon the written request of any party, prohibit the sale, distribution, spending or use of an asset or interest described in subsection (a), or a portion or proceeds thereof, by a person who has been arrested for or charged with the felonious killing, or procuring the killing of, the decedent.

(2) An order entered pursuant to this subsection may be granted ex parte upon a showing of criminal charges filed against a person interested in the estate.

(3) (A) An order entered pursuant to this subsection shall be in effect until modified or terminated by the court.

(B) Upon the written request of a person subject to an order under this subsection to modify or terminate such order, the court shall fix the time and place for the hearing thereof. Notice of the time and place of the hearing shall be given in such manner and to such persons as the court shall direct.

(C) The court shall terminate such order if the court finds that any of the following events relating to the arrest or charges that were the basis for the order have occurred:

(i) Dismissal of all such charges;

(ii) acquittal as to all such charges;

(iii) conviction or other disposition; or

(iv) expungement of the arrest records by court order pursuant to K.S.A. 22-2410, and amendments thereto.

History: L. 1939, ch. 180, § 35; L. 1970, ch. 225, § 1; L. 1995, ch. 105, § 1; L. 2023, ch. 74, § 1; July 1.