

How Can Killer Profit from Murder?

1. Life Insurance Policy of the murder victim (i.e., husband murders wife, etc.)
2. Real Estate (home, etc.);
3. Business interests;
4. Bank Accounts;
5. Retirement Accounts;
6. Vehicles;
7. Book deals...

Slayer Statutes: Purpose

Killers should not Profit from Murder

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14-2803. Murder of decedent; effect; federal law; definitions

A. A person who feloniously and intentionally kills the decedent forfeits all benefits under this chapter with respect to the decedent's estate, including an intestate share, an elective share, an omitted spouse's or child's share, a homestead allowance, exempt property and a family allowance. If the decedent died intestate, the decedent's intestate estate passes as if the killer disclaimed that person's intestate share.

B. The felonious and intentional killing of the decedent:

1. Revokes any revocable:
 - (a) Disposition or appointment of property made by the decedent to the killer in a governing instrument.
 - (b) Provision in a governing instrument conferring a general or nongeneral power of appointment on the killer.
 - (c) Nomination of the killer in a governing instrument, nominating or appointing the killer to serve in any fiduciary or representative capacity, including a personal representative, executor, trustee or agent.
2. Severs the interests of the decedent and killer in property held by them at the time of the killing as joint tenants with the right of survivorship or as community property with the right of survivorship, transforming the

Study: Nearly 40% of Killers Slip through Loopholes

Loophole #1: "Intentional"

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B. The felonious and intentional killing of the decedent:

1. Revokes any:
 - (a) Disposition or appointment of property made by the decedent to the killer in a governing instrument.
 - (b) Provision in a governing instrument conferring a general or nongeneral power of appointment on the killer.
 - (c) Nomination of the killer in a governing instrument, nominating or appointing the killer to serve in any fiduciary or representative capacity, including a personal representative, executor, trustee or agent.
2. Severs the interests of the decedent and killer in property held by them at the time of the killing as joint tenants with the right of survivorship or as community property with the right of survivorship, transforming the

"Felonious and Intentional"
But NOT defined!





Loophole #2: "Guilty, but Insane"

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14-2803. Murder of decedent; effect; federal law; definitions
 A. A person who feloniously and intentionally kills the decedent forfeits all benefits under this chapter with respect to the decedent's estate, including child's share, allowance, or interest in the decedent's estate.
 B. The fee simple interest in the decedent's estate passes as if the decedent died intestate.
 1. Revokes any revocable:
 (a) Disposition or appointment of property made by the decedent to the killer in a governing instrument.
 (b) Provision in a governing instrument conferring a general or nongeneral power of appointment on the killer.
 (c) Nomination of the killer in a governing instrument, nominating or appointing the killer to serve in any fiduciary or representative capacity, including a personal representative, executor, trustee or agent.
 2. Severs the interests of the decedent and killer in property held by them at the time of the killing as joint tenants with the right of survivorship or as community property with the right of survivorship, transforming the

If "Insane"...
then Not "Intentional"

Loophole #3: Murder/Suicides

B. The felonious and intentional killing of the decedent:
 1. Revokes any revocable:
 (a) Disposition or appointment of property made by the decedent to the killer in a governing instrument.
 (b) Provision in a governing instrument conferring a general or nongeneral power of appointment on the killer.
 (c) Nomination of the killer in a governing instrument, nominating or appointing the killer to serve in any fiduciary or representative capacity, including a personal representative, executor, trustee or agent.
 2. Severs the interests of the decedent and killer in property held by them at the time of the killing as joint tenants with the right of survivorship or as community property with the right of survivorship, transforming the

Did not apply to murder/suicides

2012 Amendment Arizona Slayer Statute

(Movement to Close Loopholes)

Solution: New A.R.S. §14-2803

K. THE DECEDENT'S ESTATE MAY PETITION THE COURT TO ESTABLISH A CONSTRUCTIVE TRUST ON THE PROPERTY OR THE ESTATE OF THE KILLER, EFFECTIVE FROM THE TIME OF THE KILLER'S ACT WHICH CAUSED DEATH, IN ORDER TO SECURE THE PAYMENT OF ALL DAMAGES AND JUDGMENTS FROM CONDUCT THAT, PURSUANT TO SUBSECTION F HEREIN, RESULTED IN CRIMINAL CONVICTION.

L. For the purposes of this section:

1. "Disposition or appointment of property" includes a transfer of an item of property or any other benefit to a beneficiary designated in a governing instrument.

2. "FELONIOUS AND INTENTIONAL" MEANS A CONVICTION OR A FINDING OF GUILTY EXCEPT INSANE FOR A HOMICIDE PURSUANT TO SECTION 13-1103, 13-1104 OR 13-1105.

3. "Governing instrument" means a governing instrument executed by the decedent.

4. "Revocable", with respect to a disposition, appointment, provision or nomination, means one under which the decedent, at the time of or immediately before death, was alone empowered, by law or under the governing instrument, to cancel the designation in favor of the killer, whether or not the decedent was then empowered to designate the decedent in place of the decedent's killer or the decedent then had capacity to exercise the power.

SEC. 2. APPLICABILITY
SECTION 14-2803, ARIZONA REVISED STATUTES, AS AMENDED BY THIS ACT, APPLIES TO CRIMES COMMITTED BEFORE THE EFFECTIVE DATE OF THIS ACT.

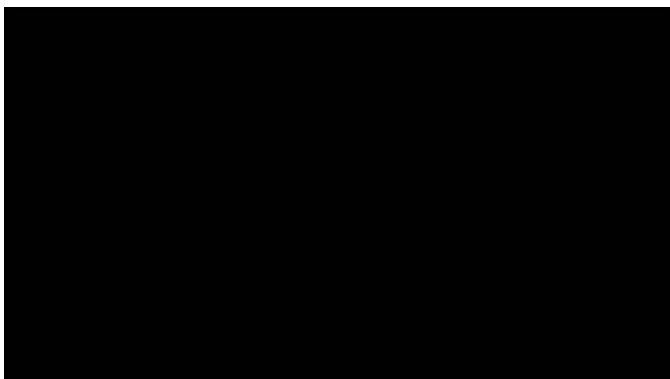
New Slayer Statute Improvements

1. Includes manslaughter, 2nd degree, 1st degree;
2. Regardless of "guilty but insane";
3. Regardless of killer suicide;
4. Remedy: All of Killers Property is a Constructive Trust from time of killing to pay full damages;
5. Retroactive Application.

Became Effective August, 2012
Most Powerful Slayer Statute in Nation







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