

H. B. No. 595  
As Introduced

**Topic:** Offenses that exclude an individual from inheriting from a decedent 1  
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\_\_\_\_\_ moved to amend as follows:

In line 1 of the title, after "2101.24," insert "2105.19," 3  
In line 21 of the title, delete "and" 4  
In line 22 of the title, after "death" insert ", and adding 5  
involuntary manslaughter not resulting from a felony vehicular homicide 6  
offense to the list of offenses excluding an individual from inheriting 7  
from a decedent" 8  
In line 23, after "2101.24," insert "2105.19," 9  
After line 267, insert: 10  
"Sec. 2105.19. (A) Except as provided in division (C) of 11  
this section, no person who is convicted of, pleads guilty to, 12  
or is found not guilty by reason of insanity of a violation of 13  
or complicity in the violation of section 2903.01, 2903.02, or 14  
2903.03 of the Revised Code or a violation of division (A) of 15



section 2903.04 of the Revised Code that is not a proximate 16  
result of a felony violation of section 2903.06 of the Revised 17  
Code, or of an existing or former law of any other state, the 18  
United States, or a foreign nation, substantially equivalent to 19  
a violation of or complicity in the violation of any of these 20  
sections, no person who is indicted for a violation of or 21  
complicity in the violation of any of those sections or laws and 22  
subsequently is adjudicated incompetent to stand trial on that 23  
charge, and no juvenile who is found to be a delinquent child by 24  
reason of committing an act that, if committed by an adult, 25  
would be a violation of or complicity in the violation of any of 26  
those sections or laws, shall in any way benefit by the death. 27  
All property of the decedent, and all money, insurance proceeds, 28  
or other property or benefits payable or distributable in 29  
respect of the decedent's death, shall pass or be paid or 30  
distributed as if the person who caused the death of the 31  
decedent had predeceased the decedent. 32

(B) A person prohibited by division (A) of this section 33  
from benefiting by the death of another is a constructive 34  
trustee for the benefit of those entitled to any property or 35  
benefit that the person has obtained, or over which the person 36  
has exerted control, because of the decedent's death. A person 37  
who purchases any such property or benefit from the constructive 38  
trustee, for value, in good faith, and without notice of the 39  
constructive trustee's disability under division (A) of this 40  
section, acquires good title, but the constructive trustee is 41  
accountable to the beneficiaries for the proceeds or value of 42  
the property or benefit. 43

(C) A person who is prohibited from benefiting from a 44  
death pursuant to division (A) of this section either because 45

the person was adjudicated incompetent to stand trial or was 46  
found not guilty by reason of insanity, or the person's guardian 47  
appointed pursuant to Chapter 2111. of the Revised Code or other 48  
legal representative, may file a complaint to declare the 49  
person's right to benefit from the death in the probate court in 50  
which the decedent's estate is being administered or that 51  
released the estate from administration. The complaint shall be 52  
filed no later than sixty days after the person is adjudicated 53  
incompetent to stand trial or found not guilty by reason of 54  
insanity. The court shall notify each person who is a devisee or 55  
legatee under the decedent's will, or if there is no will, each 56  
person who is an heir of the decedent pursuant to section 57  
2105.06 of the Revised Code that a complaint of that nature has 58  
been filed within ten days after the filing of the complaint. 59  
The person who files the complaint, and each person who is 60  
required to be notified of the filing of the complaint under 61  
this division, is entitled to a jury trial in the action. To 62  
assert the right, the person desiring a jury trial shall demand 63  
a jury in the manner prescribed in the Civil Rules. 64

A person who files a complaint pursuant to this division 65  
shall be restored to the person's right to benefit from the 66  
death unless the court determines, by a preponderance of the 67  
evidence, that the person would have been convicted of a 68  
violation of, or complicity in the violation of, section 69  
2903.01, 2903.02, or 2903.03 of the Revised Code or a violation 70  
of division (A) of section 2903.04 of the Revised Code that is 71  
not a proximate result of a felony violation of section 2903.06 72  
of the Revised Code, or of a law of another state, the United 73  
States, or a foreign nation that is substantially similar to any 74  
of those sections, if the person had been brought to trial in 75  
the case in which the person was adjudicated incompetent or if 76

the person were not insane at the time of the commission of the 77  
offense." 78  
In line 1614, after "2101.24," insert "2105.19," 79

The motion was \_\_\_\_\_ agreed to.