

House Bill 1136

By: Representatives Reichert of the 126th and Jenkins of the 110th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 9 of Title 53 of the Official Code of Georgia Annotated, the
2 Revised Probate Code of 1998, relating to administration of the estate of missing persons
3 and persons believed to be dead, so as to provide that when any domiciliary of this state has
4 been exposed to a specific peril or tragedy resulting in probable death the death of the
5 individual may be proved by clear and convincing evidence at any time after such exposure;
6 to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 1 of Chapter 9 of Title 53 of the Official Code of Georgia Annotated, the Revised
10 Probate Code of 1998, relating to administration of the estate of missing persons and persons
11 believed to be dead, is amended by striking Code Section 53-9-1, relating to presumption of
12 proof of death and presumption that missing person predeceased other deceased individual,
13 and inserting in its place the following:

14 "53-9-1.

15 (a) A domiciliary of this state who has been missing from the last known place of domicile
16 for a continuous period of four years shall be presumed to have died; provided, however,
17 that such presumption of death may be rebutted by proof. The date of death is presumed
18 to be the end of the four-year period unless it is proved by a preponderance of the evidence
19 that death occurred earlier.

20 (b) When any domiciliary of this state has been missing from the last known place of
21 domicile for a continuous period of 12 months or more, the death of the individual may be
22 proved by a preponderance of the evidence.

23 (c) Notwithstanding any proof of a date of death that is earlier than the end of the four-year
24 period set out in subsection (a) of this Code section, the missing individual shall be deemed
25 to have predeceased any other individual who has died prior to the date any petition for

1 letters or other action on the missing individual's estate is filed and from whom the missing
2 individual would have taken an interest in property as an heir or beneficiary or otherwise.
3 (d) When any domiciliary of this state has been exposed to a specific peril or tragedy
4 resulting in probable death, the death of the individual may be proved by clear and
5 convincing evidence at any time after such exposure."

6 **SECTION 2.**

7 All laws and parts of laws in conflict with this Act are repealed.