

House Bill 32 (AS PASSED HOUSE AND SENATE)

By: Representative Willard of the 40th

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"53-9-1.

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

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

(c) Notwithstanding any proof of a date of death that is earlier than the end of the four-year period set out in subsection (a) of this Code section, the missing individual shall be deemed 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.