

CHAPTER 57**(SB 70)**

AN ACT relating to presumption of death.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 422 IS CREATED TO READ AS FOLLOWS:

- (1) *A resident or nonresident of this Commonwealth who is exposed to a specific event which has been declared a disaster or emergency pursuant to KRS Chapter 39A and which is certified by the Governor as a catastrophic event that has resulted in the loss of life to persons known or unknown and whose absence following that event is not satisfactorily explained after diligent search or inquiry is presumed to be dead. The death is presumed to have occurred at the time of the catastrophic event.*
- (2) *A District Court may declare the absent person dead, if it is satisfied that the absentee should be presumed dead under the provisions of subsection (1) of this section. A declaration with respect to a nonresident shall affect only property located within the Commonwealth.*
- (3) *At the request of an applicant who has obtained a declaration based upon subsection (1) of this section, the court shall order the registrar of vital statistics to issue, at no cost to the applicant, a death certificate. The state registrar may indicate on the certificate that it was issued to court order in accordance with this section.*
- (4) *The Attorney General may initiate or intervene in any proceedings or action brought pursuant to this section, including a class action law suit, on behalf of the citizens of the Commonwealth to seek a declaration of death of an absentee under subsection (1) of this section.*

Section 2. KRS 393.050 is amended to read as follows:

Except as provided in Section 1 of this Act, when a person owning any property having a situs in this state is not known to be living for seven (7) successive years, and neither he nor his heirs, devisees, or distributees can be located or proved to have been living for seven (7) successive years, he shall be presumed to have died without heirs, devisees, or distributees, and his property shall be liquidated and the proceeds, less costs incident to the liquidation and any legal proceedings, and the liabilities which have been properly claimed and approved against it, shall be paid to the department.

Section 3. KRS 422.130 is amended to read as follows:

Except as provided in Section 1 of this Act, if any person who has resided in this state goes from and does not return to this state for seven (7) successive years, he shall be presumed to be dead, in any case wherein his death comes in question, unless proof is made that he was alive within that time.

Approved March 15, 2002