

SB 474-1
(LC 3103)
5/21/19 (LAS/ps)

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of Representative Mike McLane)

**PROPOSED AMENDMENTS TO
SENATE BILL 474**

1 On page 1 of the printed bill, line 10, after “(a)” insert “The person who
2 would be benefited by the forfeiture is a child or sibling of the decedent,”.

3 After line 15, insert:

4 “(b) The person who would be benefited by the forfeiture is not a child
5 or sibling of the decedent, the decedent was an adult when the decedent died
6 and:

7 “(A) The parent or stepparent of the decedent willfully deserted the
8 decedent for the three-year period immediately preceding the date on which
9 the decedent became an adult; or

10 “(B) The parent or stepparent neglected without just and sufficient cause
11 to provide proper care and maintenance for the decedent for the three-year
12 period immediately preceding the date on which the decedent became an
13 adult.”.

14 In line 16, delete “(b)” and insert “(c) The person who would be benefited
15 by the forfeiture is a child or sibling of the decedent,”.

16 After line 22, insert:

17 “(d) The person who would be benefited by the forfeiture is not a child
18 or sibling of the decedent, the decedent was a minor when the decedent died
19 and:

20 “(A) The parent or stepparent of the decedent willfully deserted the
21 decedent for the life of the decedent or for the three-year period immediately

1 preceding the date on which the decedent died; or

2 “(B) The parent or stepparent neglected without just and sufficient cause
3 to provide proper care and maintenance for the decedent for the life of the
4 decedent or for the three-year period immediately preceding the date on
5 which the decedent died.”.

6 In line 23, delete “(c)” and insert “(e)”.

7 On page 2, line 31, after “by” insert a colon and delete the rest of the line.

8 After line 31, insert:

9 “(a) If the petitioner is a child or sibling of the decedent, a preponderance
10 of evidence; or

11 “(b) If the petitioner is not a child or sibling of the decedent, clear and
12 convincing evidence.”.

13 In line 38, after “(b)” insert “The person who would be benefited by the
14 forfeiture is a child or sibling of the decedent,”.

15 After line 43, insert:

16 “(c) The person who would be benefited by the forfeiture is not a child
17 or sibling of the decedent, the decedent was an adult when the decedent died
18 and:

19 “(A) The parent of the decedent willfully deserted the decedent for the
20 three-year period immediately preceding the date on which the decedent be-
21 came an adult; or

22 “(B) The parent neglected without just and sufficient cause to provide
23 proper care and maintenance for the decedent for the three-year period im-
24 mediately preceding the date on which the decedent became an adult.”.

25 In line 44, delete “(c)” and insert “(d) The person who would be benefited
26 by the forfeiture is a child or sibling of the decedent,”.

27 On page 3, after line 4, insert:

28 “(e) The person who would be benefited by the forfeiture is not a child
29 or sibling of the decedent, the decedent was a minor when the decedent died
30 and:

1 “(A) The parent of the decedent willfully deserted the decedent for the life
2 of the decedent or for the three-year period immediately preceding the date
3 on which the decedent died; or

4 “(B) The parent neglected without just and sufficient cause to provide
5 proper care and maintenance for the decedent for the life of the decedent or
6 for the three-year period immediately preceding the date on which the
7 decedent died.”.

8 In line 34, delete “a preponderance of evidence.” and insert a colon.

9 After line 34, insert:

10 “(a) If the petitioner is a child or sibling of the decedent, a preponderance
11 of evidence; or

12 “(b) If the petitioner is not a child or sibling of the decedent, clear and
13 convincing evidence.”.

14 In line 38, after “if” insert “the person who would be benefited by the
15 forfeiture is a child or sibling of the transferor,”.

16 After line 43, insert:

17 “(2) Property that would pass by transfer on death deed under ORS 93.948
18 to 93.979 from a deceased transferor to a parent of the deceased transferor
19 shall pass and be vested as if the parent had predeceased the transferor if
20 the person who would be benefited by the forfeiture is not a child or sibling
21 of the transferor, the transferor was an adult when the transferor died and:

22 “(a) The parent of the transferor willfully deserted the transferor for the
23 three-year period immediately preceding the date on which the transferor
24 became an adult; or

25 “(b) The parent neglected without just and sufficient cause to provide
26 proper care and maintenance for the transferor for the three-year period
27 immediately preceding the date on which the transferor became an adult.”.

28 In line 44, delete “(2)” and insert “(3)”.

29 On page 4, line 1, after “if” insert “the person who would be benefited
30 by the forfeiture is a child or sibling of the transferor,”.

1 After line 7, insert:

2 “(4) Property that would pass by transfer on death deed under ORS 93.948
3 to 93.979 from the deceased transferor to a parent of the deceased transferor
4 shall pass and be vested as if the parent had predeceased the transferor if
5 the person who would be benefited by the forfeiture is not a child or sibling
6 of the transferor, the transferor was a minor when the transferor died and:

7 “(a) The parent of the transferor willfully deserted the transferor for the
8 life of the transferor or for the three-year period immediately preceding the
9 date on which the transferor died; or

10 “(b) The parent neglected without just and sufficient cause to provide
11 proper care and maintenance for the transferor for the life of the transferor
12 or for the three-year period immediately preceding the date on which the
13 transferor died.”.

14 In line 8, delete “(3)” and insert “(5)” and delete “and (2)” and insert
15 “through (4)”.

16 In line 12, delete “(4)” and insert “(6)” and delete “and (2)” and insert
17 “through (4)”.

18 In line 17, delete “(5)” and insert “(7)”.

19 In line 38, delete “a preponderance of evidence.” and insert a colon.

20 After line 38, insert:

21 “(a) If the petitioner is a child or sibling of the transferor, a preponder-
22 ance of evidence; or

23 “(b) If the petitioner is not a child or sibling of the transferor, clear and
24 convincing evidence.”.

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