

2021 SESSION

INTRODUCED

20105429D

SENATE BILL NO. 1042

Offered January 17, 2020

A BILL to amend the Code of Virginia by adding in Article 5 of Chapter 4 of Title 64.2 a section numbered 64.2-454.1, relating to wills; presumption of undue influence.

Patron—Obenshain

Referred to Committee on the Judiciary

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 5 of Chapter 4 of Title 64.2 a section numbered 64.2-454.1 as follows:

§ 64.2-454.1. *Presumption of undue influence.*

A. There is a rebuttable presumption of undue influence on a testator if the following elements are established:

1. The testator was mentally feeble when his will was established;

2. The testator named a beneficiary who stood in a relationship of confidence or dependence to the testator; and

3. The testator previously had expressed an intention to make a contrary disposition of his property.

B. Upon the presentation of evidence establishing the elements listed in subsection A, a jury sitting as trier of fact shall be instructed that it may presume that the will was executed under undue influence.

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