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SENATE BILL NO. 575

Offered January 15, 2002

A BILL relating to certain presumption of death exception for persons disappearing as a result of the September 2001 terrorist attacks.

Patron—Barry

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. § 1. Presumption of death exception.**

A. Notwithstanding the provisions of § 64.1-105 of the Code of Virginia, any person (i) who has been documented to have been in that portion of the Pentagon damaged by the terrorist attack of September 11, 2001, or on American Airlines Flight 77 on September 11, 2001, when it was flown into the Pentagon; (ii) who has disappeared as a result of this terrorist attack and has not been heard from in three or more months since such terrorist attack; and (iii) whose body has not been found or whose remains have not been identified through scientific testing shall be presumed dead in any instance or cause in which his death shall be a question. The provisions of Chapter 5 (§ 64.1-105 et seq.) of Title 64.1 shall apply to such person, his alleged heirs, devisees, legatees, and next of kin.

B. Upon petition to the Circuit Court of Arlington County by any heir, devisee, legatee, or next of kin or executor or administrator of such person's estate, the court, upon good cause shown, may find that such person is deceased and issue an order of the court declaring that such person is deceased.

2. That an emergency exists and this act is in force from its passage.

INTRODUCED

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