

emergency measure; and generally relating to ~~the prevention of a parent who has sexually abused the child of the parent from~~ a prohibition against a parent who commits certain crimes or acts receiving any benefit from an action for wrongful death or an intestate succession distribution under certain circumstances.

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 3-904

Annotated Code of Maryland

(1998 Replacement Volume)

BY adding to

Article – Estates and Trusts

Section 3-111

Annotated Code of Maryland

(1991 Replacement Volume and 1998 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

3-904.

(a) (1) An action under this subtitle shall be for the benefit of the wife, husband, parent, and child of the deceased person.

(2) A PARENT MAY NOT BE A BENEFICIARY IN A WRONGFUL DEATH ACTION FOR THE DEATH OF A CHILD OF THE PARENT IF:

(I) 1. THE PARENT IS CONVICTED UNDER ARTICLE 27, § 35C, § 335, § 462, § 463, § 464, § 464A, § 464B, OR § 464C OF THE CODE; OR

2. THE PARENT COMMITTED AN ACT PROHIBITED UNDER ARTICLE 27, § 35C, § 335, § 462, § 463, § 464, § 464A, § 464B, OR § 464C OF THE CODE;

(II) THE OTHER PARENT OF THE CHILD IS THE VICTIM OF THE CRIME OR ACT DESCRIBED UNDER ITEM (I) OF THIS PARAGRAPH; AND

(III) THE OTHER PARENT OF THE CHILD IS A CHILD OF THE PARENT.

(b) If there are no persons who qualify under subsection (a), an action shall be for the benefit of any person related to the deceased person by blood or marriage who was substantially dependent upon the deceased.

(c) (1) In an action under this subtitle, damages may be awarded to the beneficiaries proportioned to the injury resulting from the wrongful death.

(2) Subject to § 11-108(d)(2) of this article, the amount recovered shall be divided among the beneficiaries in shares directed by the verdict.