

(SENATE AUTHORS: SCHEID)

DATE	D-PG	OFFICIAL STATUS
03/07/2011	426	Introduction and first reading Referred to Judiciary and Public Safety

1.1 A bill for an act

1.2 relating to civil actions; establishing a cause of action for intentional interference

1.3 with the expectation of inheritance; proposing coding for new law in Minnesota

1.4 Statutes, chapter 604.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [604.191] INTENTIONAL INTERFERENCE WITH THE

1.7 EXPECTANCY OF INHERITANCE; CIVIL LIABILITY.

1.8 Subdivision 1. Definitions. For purposes of this section, the following terms have

1.9 the meanings given them:

1.10 (1) "inheritance" means a devise or bequest that would otherwise have been made

1.11 under a testamentary instrument or any property that would have passed to the plaintiff by

1.12 intestate succession; and

1.13 (2) "gift" means a donation, gratuity, or benefaction that would have been received

1.14 from another person.

1.15 Subd. 2. Liability. (a) A person who by fraud, duress, or other tortious means

1.16 intentionally prevents another person from receiving an inheritance or gift from a third

1.17 person that would otherwise have been received by that person is liable for the person's

1.18 loss of the inheritance or gift.

1.19 (b) A person injured by a violation of this section may bring an action to recover

1.20 actual damages sustained. A prevailing plaintiff in an action under this section may also

1.21 be awarded costs, disbursements, and reasonable attorney fees.

1.22 (c) This section does not bar other causes of action based in tort or otherwise limit

1.23 the remedies available for those actions.

- 2.1
- EFFECTIVE DATE.**

This section is effective the day following final enactment,
- 2.2
- and applies to actions arising on or after that date.