

## **COMMITTEE BILL ANALYSIS**

**Bill:** Senate Bill 835

**Printer's No.:** 872

**Sponsor:** Senator Browne

**Prepared by:** Gregg Warner

**Synopsis:** This bill amends section 8301 of the Judicial Code, Title 42 of the Pennsylvania Consolidated Statutes, to allow stepchildren to be beneficiaries in a wrongful death action.

### **Summary:**

#### **Wrongful death action**

Section 8301(a) of the Judicial Code authorizes a civil action “to recover damages for the death of an individual caused by the wrongful act or neglect or unlawful violence or negligence of another.” Subsection (b) explains that this right of action exists “only for the benefit of the spouse, children or parents of the deceased.” As amended, stepchildren who were dependent upon the decedent at the time of the death for support shall participate in the damages as though they were issue of the decedent.

#### **Effective date**

This act takes effect in 60 days.

**Background:** According to the sponsor, “The bonds between a stepchild and stepparent are commonly as strong as those between a natural parent and child. It is also common for the stepchild to be dependent on a stepparent for support. As such, when a stepparent passes away, the child is often left without sufficient financial support.”

#### **Distribution of damages**

Section 8301(b) of the Judicial Code states that “The damages recovered shall be distributed to the beneficiaries in the proportion they would take the personal estate of the decedent in the case of intestacy and without liability to creditors of the deceased person under the statutes of this Commonwealth.” For the purpose of a wrongful death action, Senate Bill 835 would treat a stepchild as if the child was an issue of the decedent and the stepchild would participate in the damages awarded as if the child was an issue of the decedent under the intestate succession law (20 Pa.C.S. Ch. 21).

#### **Legislative history**

Last session this legislation was introduced as Senate Bill 466. The Senate Judiciary Committee reported Senate Bill 466 from committee and the Senate passed the bill by a vote of 44 to 0.