



HOUSE BILL 537: Alena's Law.

2025-2026 General Assembly

Committee:	House Emergency Management and Disaster Recovery. If favorable, re-refer to Judiciary 1. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 9, 2025
Introduced by:	Reps. Greene, Stevens	Prepared by:	Howard Marsilio
Analysis of:	First Edition		Staff Attorney

OVERVIEW: *House Bill 537 would amend laws that relate to receivership proceedings to administer property of missing persons to account for federal written findings of presumed death and the disappearance of persons that coincide with disaster declarations.*

CURRENT LAW:

Chapter 28C of the General Statutes outlines procedures that relate to receivership proceedings in the superior court system to administer the property/interests of persons in this State that disappear and are absent from their place of residence for a period of 30 days or more.

Current law does not specify how a federal finding of presumed death or a disappearance coincident to a disaster declaration should be treated for the purposes of these proceedings.

BILL ANALYSIS:

The bill would:

- Provide that in a receivership proceeding, a federal written finding of presumed death shall be considered prima facie evidence of death by a judge or shall be considered sufficient evidence of death by a jury, as applicable.
- Provide that the disappearance and continued absence, for at least 90 days, of a person that coincides with a State or federally declared disaster declaration shall create a rebuttable presumption of death.
- Require that the complaint filed in superior court to initiate a receivership proceeding include, as applicable, the existence of a federal written finding of presumed death or an averment of disappearance and continued absence for at least 90 days coincident to a State or federally declared disaster.

EFFECTIVE DATE: This act would become effective when it becomes law and apply to complaints for actions for receiver filed on or after that date.

Kara McCraw
Director



Legislative Analysis
Division
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