



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
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February 22, 2021

Mr. Speaker,

The Judiciary Committee reports a favorable recommendation on **1st Sub. S.B. 85**,
DISINHERITANCE FOLLOWING CRIMES AGAINST VULNERABLE ADULTS, by Senator T. D.
Weiler, with the following amendments:

1. Page 9, Line 270 through Page 10, Line 280:

270 property or benefit if this section or the relevant part of this section was not preempted.
(10) Notwithstanding Subsections (2) through (6), and notwithstanding an
abuser's conviction for a disqualifying offense, the abuser may inherit, take, enjoy,
receive, or otherwise benefit from the estate of the vulnerable adult if:
(a) (i) after the abuser's conviction, the vulnerable adult executes a new governing
instrument or amends or affirms an existing governing instrument under which the
abuser receives a benefit; and
(ii) the vulnerable adult is not incapacitated, as that term is defined in Section
75-1-201, at the time the vulnerable adult makes the execution, amendment, or
affirmation described in Subsection (7)(a)(i); or
(b) the court reviewing a petition under this section determines that a manifest
injustice would result if the abuser is disinherited by operation of this section.

271 ~~{(10)(a)}~~ (11) This section:
272 ~~{(i)}~~ (a) does not operate retroactively;
273 ~~{(ii)}~~ (b) except as provided in Subsection (10) ~~{(a)(iii)}~~ (c) ,
does not apply to a disqualifying
274 felony offense that occurred prior to the effective date of this bill; and
275 ~~{(iii)}~~ (c) applies to a disqualifying felony offense described in
Subsection (10) ~~{(a)(ii)}~~ (b) if any
276 portion of the offense persists after the effective date of this bill.
277 ~~{(b)(i) An individual may not bring an action under this section unless the~~
statute of



278 ~~limitations for an alleged disqualifying felony offense has not expired.~~
279 ~~_____ (ii) The expiration of a statute of limitation for the relevant alleged~~
~~disqualifying felony~~
280 ~~offense is an affirmative defense to action under this section. }~~

2. Page 11, Lines 319 through 322:

319 Section 5. Revisor instructions.
320 The Legislature intends that the Office of Legislative Research and General Counsel,
in
321 preparing the Utah Code database for publication, replace the references in Subsection
322 75-2-807 {~~(10)~~} ~~(11)~~ from "the effective date of this bill" to the bill's actual
effective date.

Respectfully,

Karianne Lisonbee
Chair

Voting: 11-0-1

5 SB0085.HC1.wpd 2/22/21 9:4 am kking/KK1 MC/AGH

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