

1st Sub. S.B. 85

DISINHERITANCE FOLLOWING CRIMES AGAINST VULNERABLE ADULTS

Senator **Todd D. Weiler** proposes 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.