

1st Sub. S.B. 85

DISINHERITANCE FOLLOWING CRIMES AGAINST VULNERABLE ADULTS

SENATE COMMITTEE AMENDMENTS

AMENDMENT 1

FEBRUARY 2, 2021 3:30 PM

Senator **Todd D. Weiler** proposes the following amendments:

1. *Page 5, Lines 141 through 146:*

141 Section 3. Section ~~75-2-807~~ is enacted to read:
142 ~~75-2-807.~~ Effect of disqualifying felony offense on intestate succession, wills, trusts, joint
143 assets, life insurance, beneficiary designations -- Forfeiture -- Revocation.
144 (1) As used in this section:
145 (a) "Abuser" means a person who is convicted of committing a disqualifying felony offense
146 against a vulnerable adult.

2. *Page 6, Lines 150 through 151:*

150 (d) "Disqualifying felony offense" means a felony offense against a vulnerable adult that
151 meets the elements of:

3. *Page 7, Lines 190 through 191:*

190 (3) Conviction of a disqualifying felony offense against a vulnerable adult:
191 (a) revokes any revocable:

4. *Page 8, Lines 220 through 225:*

220 (8) (a) A payor or other third party is not liable for having made a payment or
221 transferred an item of property or any other benefit to a beneficiary designated in a governing
222 instrument that a disqualifying felony offense affects, or for having taken any other action in
223 good faith reliance on the validity of the governing instrument, upon request and satisfactory
224 proof of the ~~{decedents}~~ decedent's death, before the payor or other third party received written
notice of a
225 claimed forfeiture or revocation under this section.

5. *Page 9, Line 271 through Page 10, Line 280:*

271 (10) ~~{(a)}~~ This section:
272 ~~{(i)}~~ (a) does not operate retrospectively;
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.}~~