



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

SENATE BILL NO. 320

PRINTERS NO. 324

PRIME SPONSOR: Killion

### COST / (SAVINGS)

FUND	FY 2020/21	FY 2021/22
General Fund	\$0	\$0

### SUMMARY:

Senate Bill 320, Printer's Number 324 amends Title 20 (Decedents, Estates and Fiduciaries) by adding a new Chapter 39 (Uniform Fiduciary Access to Digital Assets) to further provide fiduciary access to and custodian disclosure of digital assets.

### ANALYSIS:

SB 320 amends Title 20 by adding a new Chapter 39 (Uniform Fiduciary Access to Digital Assets) that will give fiduciaries the authority to manage certain digital assets and electronic communications and will provide custodians of digital assets and electronic communications the authority to interact with fiduciaries.

The new provisions apply when a custodian user resides in this Commonwealth or resided in the Commonwealth at the time of death, as follows:

- A fiduciary is acting under a will or power of attorney executed, before, on or after the effective date of the act;
- A personal representative is acting for a decedent who died before, on or after the effective date of this act;
- A proceeding for the appointment of a guardian of the estate commenced before, on or after the effective date of the act; and
- A trustee is acting under a trust created before, on or after the effective date of this act.

The act outlines the following provisions:

- Procedure for disclosing digital assets,
- Disclosure of content of electronic communications of deceased user,
- Disclosure of other digital assets of deceased user,
- Disclosure of content of electronic communications of principal,
- Disclosure of other digital assets of principal,
- Disclosure of digital assets held in trust when trustee is original user,
- Disclosure of contents of electronic communications held in trust when trustee not original user,
- Disclosure of other digital assets held in trust when trustee not original user, and

- Disclosure of digital assets to guardian of the estate.

In addition, the Act further provides for legal duties and authorities imposed on a fiduciary charged with managing tangible personal property, including digital assets; custodian compliance and immunity provisions; uniformity of application and construction; and the relation to the Electronic Signatures in Global and National Commerce Act.

This act would take effect in 180 days.

**FISCAL IMPACT:**

According to the Administrative Office of Pennsylvania Courts (AOPC), enactment of this legislation would have no adverse fiscal impact on Commonwealth funds.

**PREPARED BY:** Jenny P. Stratton  
House Appropriations Committee (R)

**DATE:** July 7, 2020

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*