



**Colorado
Legislative
Council
Staff**

SB16-088

**FINAL
FISCAL NOTE**

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 16-0126
Prime Sponsor(s): Sen. Steadman
Rep. Willett

Date: June 1, 2016
Bill Status: Signed into Law
Fiscal Analyst: Erin Reynolds (303-866-4146)

BILL TOPIC: REVISED UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue		
State Expenditures	Potential minimal workload increase.	
Appropriation Required: None.		
Future Year Impacts: Ongoing potential minimal workload increase.		

Summary of Legislation

This bill, **recommended by the Colorado Commission on Uniform State Laws**, sets forth the conditions under which certain fiduciaries may access:

- the content of an electronic communication of a principal or decedent;
- a catalog of electronic communications sent or received by a principal or decedent; and
- any other digital asset in which a principal has a right or interest or in which a decedent had a right or interest at death.

As to tangible personal property capable of receiving, storing, processing, or sending a digital asset, a fiduciary with authority over the property of a decedent, protected person, principal, or settlor may access the property and any digital asset stored in it and is an authorized user for purposes of computer fraud and unauthorized computer access laws. A fiduciary and its officers, employees, and agents are immune from liability for an act or omission done in good-faith compliance with the provisions of the bill.

Background

The Colorado Commission on Uniform State Laws is charged with working with the national Uniform Law Commission (ULC) to promote uniformity in state laws where uniformity may be deemed desirable and practicable. This is achieved by developing proposed uniform legislation through the ULC that can be adopted by the various state legislatures. Colorado's commissioners are required to be attorneys admitted to practice law in Colorado. Members include six attorneys appointed or reappointed by joint resolution of the General Assembly; any Colorado citizen who is elected as a life member of the ULC (after twenty years of membership); and the director of the

Office of Legislative Legal Services, or the director's designee. The Office of Legislative Legal Services provides assistance to the legislative members of the Colorado Commission in their efforts to enact legislation regarding uniform acts.

State Expenditures

This bill may result in a minimal increase in workload for trial courts in the Judicial Department. If a fiduciary pursues a court order for compliance in instances where a custodian fails to comply with the law, a judge will need to review the request for a court order, which may require a hearing, and issue a court order of sufficient specificity to allow for access of digital assets as outlined in the bill when appropriate. Such requests are expected to be infrequent and can be addressed within existing appropriations.

Effective Date

The bill was signed into law by the Governor on April 7, 2016, and takes effect August 10, 2016, assuming no referendum petition is filed.

State and Local Government Contacts

Information Technology Legislative Legal Services	Judicial Revenue	Law
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