

January 30, 2017

The Honorable Rick Wilborn, Chairperson  
Senate Committee on Judiciary  
Statehouse, Room 541-E  
Topeka, Kansas 66612

Dear Senator Wilborn:

**SUBJECT:** Fiscal Note for SB 63 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 63 is respectfully submitted to your committee.

SB 63 would enact the Revised Uniform Fiduciary Access to Digital Assets Act. The Act is designed to work in conjunction with existing laws on probate, guardianship, trusts and powers of attorney. The Act would extend the traditional power of a fiduciary to manage tangible property to include management of a person's digital assets, while protecting the user's private communications from unwarranted disclosure. The types of fiduciaries that would be addressed under the Act include:

1. Executors or administrators of deceased persons' estates;
2. Court-appointed guardians or conservators of protected persons' estates;
3. Agents appointed under powers of attorney; and
4. Trustees.

The types of digital assets that may be covered by the Act include computer files, web domains, virtual currency, email, text messages, and social media accounts. However, the extent of the fiduciary's access to a particular asset would vary depending on the nature of the asset and any consent of the user.

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The Office of Judicial Administration indicates SB 63 could increase case filings, complexity in probate cases, and the number of findings to be made by the judge hearing the case, thereby increasing costs for judicial and nonjudicial staff time. The bill could also increase revenues from docket fees because of additional cases filed. However, a precise estimate of additional revenues or expenditures by the Judicial Branch cannot be provided.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,  
Director of the Budget

cc: Ashley Michaelis, Judiciary