S T A T E O F N E W Y O R K

1565--A

2015-2016 Regular Sessions

I N S E N A T E

January 13, 2015

Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the estates, powers and trusts law, in relation to access to a decedent's electronic mail, social networking and/or microblogging accounts

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The estates, powers and trusts law is amended by adding a new section 11-1.12 to read as follows:

S 11-1.12 ACCESS TO DECEDENT'S ELECTRONIC MAIL, SOCIAL NETWORKING AND/OR MICROBLOGGING ACCOUNTS

(A) THE EXECUTOR OR ADMINISTRATOR OR AN ESTATE OF A DECEASED PERSON WHO WAS DOMICILED IN THIS STATE AT THE TIME OF HIS OR HER DEATH SHALL HAVE THE POWER TO TAKE CONTROL OF, CONDUCT, CONTINUE OR TERMINATE ANY ACCOUNTS OF THE DECEDENT ON ANY SOCIAL NETWORKING WEBSITE, ANY MICROBLOGGING OR SHORT MESSAGE SERVICE WEBSITE OR ANY EMAIL SERVICE WEBSITE.

(B) ANY SERVICE PROVIDER OF A SOCIAL NETWORKING WEBSITE, A MICROBLOGGING OR SHORT MESSAGE SERVICE WEBSITE OR AN EMAIL SERVICE WEBSITE SHALL PROVIDE TO THE EXECUTOR OR ADMINISTRATOR OF SUCH ESTATE ACCESS TO ANY ACCOUNT HELD BY THE DECEDENT UPON RECEIPT BY THE SERVICE PROVIDER OF A WRITTEN REQUEST FOR SUCH ACCESS MADE BY THE EXECUTOR OR ADMINISTRATOR, ACCOMPANIED BY A COPY OF THE DEATH CERTIFICATE AND A CERTIFIED COPY OF THE CERTIFICATE OF APPOINTMENT AS EXECUTOR OR ADMINISTRATOR.

(C) NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO REQUIRE SUCH SERVICE PROVIDER TO DISCLOSE ANY INFORMATION IN VIOLATION OF ANY APPLICABLE FEDERAL LAW.

S 2. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid and after exhaustion of all further judicial review, the

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this act directly involved in the controversy in which the judgment shall have been rendered.

S 3. This act shall take effect immediately.