STATE OF NEW YORK

7742--A

2021-2022 Regular Sessions

IN ASSEMBLY

May 21, 2021

Introduced by M. of A. LAVINE -- (at request of the State Comptroller) -- read once and referred to the Committee on Judiciary -- reported and referred to the Committee on Ways and Means -- recommitted to the Committee on Ways and Means in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the abandoned property law, in relation to including unclaimed virtual currency within the scope of property covered by such law

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 103 of the abandoned property law is amended by adding two new subdivisions (h) and (i) to read as follows:

(h) "Virtual currency" shall have the same meaning as set forth in 23 NYCRR 200.2(p).

(i) "Virtual currency business activity" shall have the same meaning as set forth in 23 NYCRR 200.2(q).

§ 2. The abandoned property law is amended by adding a new section 1319 to read as follows:

§ 1319. Unclaimed virtual currency. 1. Any virtual currency held or owing by any banking organization, corporation or other entity engaged in virtual currency business activity which shall have remained unclaimed by the person entitled thereto for a period of five years shall be deemed abandoned property if:

(a) the last known address of the person entitled to such virtual currency as shown on the books and records of the entity engaging in the virtual currency business activity is located in the state; or

(b) the last known address of the person entitled to such virtual currency is not shown on the books and records of the entity engaging in the virtual currency business activity and the entity is incorporated in this state.

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

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2. (a) Any virtual currency held or owing by a banking organization, a corporation or other entity engaged in virtual currency business deemed abandoned under this section as of the thirtieth day of the preceding June shall be paid or delivered to the comptroller on or before the tenth day of the next succeeding November.

(b) Payment or delivery shall be accompanied by a true and accurate report setting forth information relating to such abandoned property as the comptroller may require.

3. Virtual currency reported to the comptroller pursuant to this section shall be sold on any established exchange, or by such other means as the comptroller shall deem advisable, as soon as the comptroller in his or her discretion deems practicable.

4. The proceeds of the sale of virtual currency, less all costs incurred in connection with such sale, shall be deposited by the comptroller in the abandoned property fund and any claimant to such virtual currency shall be entitled only to the proceeds of the sale of such virtual currency by the comptroller.

§ 3. This act shall take effect immediately.