

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

NO. 7
Session of 2020

INTRODUCED BY _____ April 21, 2020

REFERRED TO SENATE JUDICIARY COMMITTEE

Rights to Social Media Upon Death

This legislation would allow for the ability to provide instructions for the management and disposition of an individual's digital assets after death. It is designed to work in conjunction with the Commonwealth's existing laws on probate, guardianship, trusts, and powers of attorney. It would extend a fiduciary's existing authority over a person's physical assets to include their digital assets. Definitions.

The following word when used in this act shall have the meanings given to it in this section:

"Digital Assets." The social media sites and applications that belong to an individual.

"Fiduciary." An individual or entity entrusted with the power and responsibility of managing the deceased individual's digital assets. The definition of fiduciary may include:

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

Rights to Social Media Upon Death.

Should there be no notarized plan for management and disposition of digital assets upon death, a court-appointed fiduciary that manages the deceased's physical assets may manage the deceased's digital assets.

In order to gain access to digital assets, the fiduciary shall:

- (1) Send a request for access to the custodian; and
- (2) Send a valid copy of the notarized document that grants the fiduciary's authority.

This act shall take effect in 60 days.