



General Assembly

January Session, 2005

**Committee Bill No. 262**

LCO No. 3955

\*03955SB00262JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING ACCESS TO DECEDENT'S ELECTRONIC MAIL ACCOUNTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2005*) (a) For the purposes of  
2 this section:

3 (1) "Electronic mail service provider" means any person who (A) is  
4 an intermediary in sending or receiving electronic mail, and (B)  
5 provides to end-users of electronic mail services the ability to send or  
6 receive electronic mail; and

7 (2) "Electronic mail account" means: (A) All electronic mail sent or  
8 received by an end-user of electronic mail services provided by an  
9 electronic mail service provider that is stored or recorded by such  
10 electronic mail service provider in the regular course of providing such  
11 services; and (B) any other electronic information stored or recorded  
12 by such electronic mail service provider that is directly related to the  
13 electronic mail services provided to such end user by such electronic  
14 mail service provider, including, but not limited to, billing and  
15 payment information.

16 (b) An electronic mail service provider shall provide, to the executor  
17 or administrator of the estate of a deceased person who was domiciled  
18 in this state at the time of his or her death, access to or copies of the  
19 contents of the electronic mail account of such deceased person upon  
20 receipt by the electronic mail service provider of: (1) A written request  
21 for such access or copies made by such executor or administrator,  
22 accompanied by a copy of the death certificate and a copy of the will  
23 admitted to probate, the letters of administration or other evidence of  
24 the appointment of such executor or administrator; or (2) an order of  
25 the court of probate that by law has jurisdiction of the estate of such  
26 deceased person.

27 (c) Nothing in this section shall be construed to require an electronic  
28 mail service provider to disclose any information in violation of any  
29 applicable federal law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	New section

**Statement of Purpose:**

To allow the administrator or executor of a decedent's estate to have access to the deceased person's e-mail accounts and other electronic data.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: SEN. FREEDMAN, 26th Dist.

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