



General Assembly

Amendment

February Session, 2024

LCO No. 4677



Offered by:

SEN. LOONEY, 11th Dist.
SEN. DUFF, 25th Dist.
SEN. FLEXER, 29th Dist.
SEN. COHEN, 12th Dist.

SEN. MCCRORY, 2nd Dist.
SEN. MOORE, 22nd Dist.
SEN. WINFIELD, 10th Dist.
SEN. MARONEY, 14th Dist.

To: Subst. Senate Bill No. 393

File No. 431

Cal. No. 267

**"AN ACT IMPLEMENTING THE TREASURER'S
RECOMMENDATIONS CONCERNING UNCLAIMED PROPERTY."**

1 Strike section 3 in its entirety and substitute the following in lieu
2 thereof:

3 "Sec. 3. Section 3-65a of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2024*):

5 (a) [Within] Not less than one hundred eighty days before a
6 presumption of abandonment is to take effect in respect to property
7 subject to section 3-60b or 3-60c and within one year before a
8 presumption of abandonment is to take effect in respect to all other
9 property subject to this part, and if the owner's claim is not barred by
10 law, the holder shall notify the owner thereof and take reasonable steps
11 to prevent abandonment from being presumed, at a minimum, by
12 sending such notice by first class mail directed to the owner's last-

13 known address, and, if a holder has received an owner's consent for the
14 electronic delivery of any notices that are required by law, by electronic
15 mail directed to the owner's last-known electronic mail address, that
16 evidence of interest must be indicated as required by this part or such
17 property will be transferred to the Treasurer and will be subject to
18 escheat to the state. If the property presumed abandoned is a security,
19 virtual currency or tangible property from a safe deposit box, the
20 holder's notice shall indicate that such property may be liquidated either
21 prior to or following its reporting to the Treasurer and that after such
22 liquidation will be limited to the proceeds of such liquidation. Nothing
23 in this subsection shall be construed to require an owner to consent to
24 the electronic delivery of notices for communications regarding
25 unclaimed property.

26 (b) Not later than ninety days after the close of the calendar year in
27 which property is presumed abandoned, the holder shall pay or deliver
28 such property to the Treasurer and file, on forms that the Treasurer shall
29 provide, a report of unclaimed property. Each report shall be verified
30 and shall include: (1) The name, if known, [and] last-known physical
31 and electronic mail address, if any, and last-known telephone number,
32 if any, of each person appearing to be the owner of such property; (2) in
33 case of unclaimed funds of an insurance company, the full name of the
34 insured or annuitant and beneficiary and his or her last-known address
35 appearing on the insurance company's records; (3) the nature and
36 identifying number, if any, or description of the property and the
37 amount appearing from the records to be due; (4) the date when the
38 property became payable, demandable or returnable and the date of the
39 last transaction with the owner with respect to the property; (5) if the
40 holder is a successor to other holders, or if the holder has changed the
41 holder's name, all prior known names and addresses of each holder of
42 the property; and (6) such other information as the Treasurer may
43 require.

44 (c) Verification, if made by a partnership, shall be executed by a
45 partner; if made by an unincorporated association or private
46 corporation, by an officer; and if made by a public corporation, by its

47 chief fiscal officer.

48 (d) The Treasurer shall keep a permanent record of all reports
49 submitted to the Treasurer pursuant to this section.

50 (e) Except for claims paid under section 3-67a and except as provided
51 in subsection (e) of section 3-70a, no owner shall be entitled to any
52 interest, income or other increment which may accrue to property
53 presumed abandoned from and after the date of payment or delivery to
54 the Treasurer.

55 (f) The Treasurer may decline to receive any property the value of
56 which is less than the cost of giving notice or holding sale, or may
57 postpone taking possession until a sufficient sum accumulates.

58 (g) The Treasurer, or any officer or agency designated by the
59 Treasurer, may examine any person on oath or affirmation, or the
60 records of any person or any agent of the person including, but not
61 limited to, a dividend disbursement agent or transfer agent of a business
62 association, banking organization or insurance company that is the
63 holder of property presumed abandoned to determine whether the
64 person or agent has complied with this part. The Treasurer may conduct
65 the examination even if the person or agent believes the person or agent
66 is not in possession of any property that must be paid, delivered or
67 reported under this part. The Treasurer may bring an action in a court
68 of appropriate jurisdiction to enforce the provisions of this part.

69 (h) A record of the issuance of a check, draft or similar instrument is
70 prima facie evidence of the obligation represented by the check, draft or
71 similar instrument. In claiming property from a holder who is also the
72 issuer, the Treasurer's burden of proof as to the existence and amount
73 of the property and its abandonment is satisfied by showing issuance of
74 the instrument and passage of the requisite period of abandonment.
75 Defenses of payment, satisfaction, discharge and want of consideration
76 are affirmative defenses that shall be established by the holder.

77 (i) Notwithstanding the provisions of subsection (b) of this section,

78 the holder of personal property presumed abandoned pursuant to
79 subdivision (5) of subsection (a) of section 3-57a or section 2 of this act
80 shall (1) sell such property and pay the proceeds arising from such sale,
81 excluding any charges that may lawfully be withheld, to the Treasurer,
82 unless such property consists of military medals, in which case such
83 property shall not be sold, and (2) provide the Treasurer with records
84 deemed appropriate by the Treasurer of property so presumed
85 abandoned. The holder shall complete the sale of such property and
86 deliver the net proceeds to the Treasurer not later than thirty days after
87 filing the report required under subsection (b) of this section. A holder
88 of [such] tangible, personal property may contract with a third party to
89 store and sell such property and to pay the proceeds arising from such
90 sale, excluding any charges that may be lawfully withheld, to the
91 Treasurer, provided the third party holds a surety bond or other form
92 of insurance coverage with respect to such activities. Any holder who
93 sells [such] property pursuant to subsection (a) of section 3-57a or
94 section 2 of this act and remits the excess proceeds to the Treasurer or
95 who transmits [such] tangible, personal property to a bonded or insured
96 third party for such purposes, shall not be responsible for any claims
97 related to the sale or transmission of the property or proceeds to the
98 Treasurer. If the Treasurer exempts any such property from being
99 remitted or sold pursuant to this subsection, whether by regulations or
100 guidelines, the holder of such property may dispose of such property in
101 any manner such holder deems appropriate and such holder shall not
102 be responsible for any claims related to the disposition of such property
103 or any claims to the property itself. For purposes of [this subsection] the
104 sale of personal property presumed abandoned under subdivision (5) of
105 subsection (a) of section 3-57a or section 2 of this act, charges that may
106 lawfully be withheld include costs of storage, appraisal, advertising and
107 sales commissions as well as lawful charges owing under the contract
108 governing the safe deposit box rental.

109 (j) In the event military medals are presumed abandoned pursuant to
110 subdivision (5) of subsection (a) of section 3-57a, a banking or financial
111 organization shall transmit such medals to the Department of Veterans

112 Affairs in accordance with procedures established by the Treasurer. The
113 Treasurer and Commissioner of Veterans Affairs shall enter into a
114 memorandum of understanding concerning the handling of such
115 medals and the Department of Veterans Affairs shall hold such medals
116 in custody pursuant to such memorandum. The Treasurer may make
117 any information obtained pursuant to this section, including any
118 photograph or other visual depiction of a military medal but excluding
119 Social Security numbers, available to the public to facilitate the
120 identification of the original owner of such medal or such owner's heirs
121 or beneficiaries."

122 Strike section 5 in its entirety and substitute the following in lieu
123 thereof:

124 "Sec. 5. Section 3-70a of the general statutes is amended by adding
125 subsection (g) as follows (*Effective from passage*):

126 (NEW) (g) The Treasurer may make direct payment to one or more
127 claimants, without such claimant having been granted a decree to
128 transfer personal property, been issued a current fiduciary certificate, or
129 secured any other similar document, for any solely owned unclaimed
130 property of a deceased owner valued at less than five hundred dollars
131 in the aggregate at the time of the claim, subject to the following
132 conditions:

133 (1) If no affidavit in lieu of administration or similar petition has been
134 filed in a Probate Court or more than one year has passed since the last
135 decree to transfer personal property or any other similar document has
136 been issued, upon a claimant furnishing a certified claim and a sworn
137 affidavit under penalty of perjury showing entitlement to such
138 property. Such affidavit shall be in a form prescribed by the Treasurer
139 and shall include, at a minimum, (A) the claimant's affirmation that the
140 claimant is the sole heir, or (B) attestation from all of the other heirs with
141 a valid claim to the property confirming the rightful distribution of the
142 property under the law.

143 (2) If a fiduciary of a decedent estate has been appointed by a Probate

144 Court, but the decedent's estate was closed more than one year prior to
145 the discovery of the relevant unclaimed property, upon a claimant's
146 furnishing of a certified claim and a sworn affidavit under penalty of
147 perjury showing entitlement to such property. Such affidavit shall be in
148 a form prescribed by the Treasurer and shall include, at a minimum (A)
149 the claimant's affirmation that the claimant is the previously appointed
150 fiduciary and that the claimant shall distribute the funds as required by
151 law; or (B) attestations from any rightful heir or beneficiary consistent
152 with the provisions of subdivision (1) of this subsection.

153 (3) The payment of the amount due under this section shall constitute
154 a full acquittance and release of the state for the amount paid. Any
155 claimant paid by the Treasurer in good faith shall be answerable
156 concerning such payment to anyone prejudiced by an improper
157 distribution or payment. Except as provided in this subsection, nothing
158 in this section shall be construed to modify or eliminate any of a
159 claimant's responsibilities under any other state or federal law,
160 including, but not limited to, any obligations under title 45a."

161 Strike lines 268 to 275, inclusive, in their entirety, and substitute the
162 following in lieu thereof:

163 "(B) An agreement entered into on or after January 1, 2025, to (i) locate
164 property that is not part of a bankruptcy proceeding being overseen by
165 a court or that is not incidental to a merger or acquisition of another
166 business association as a going concern, or (ii) otherwise obtain an
167 interest in unclaimed property, shall be valid only if such agreement is
168 in writing, is signed by the owner and clearly and conspicuously
169 discloses the nature and value of the property, the owner's share after
170 the fee or compensation has been subtracted from such value, that the
171 owner may file a claim directly with the Treasurer at no cost and the
172 method through which such claim may be filed. If the nature and value
173 of the unclaimed property is unknown at the time the agreement is
174 entered into, the agreement shall include a process to notify the owner,
175 as reported by the holder, of the nature and value of the property after
176 such property is discovered, but prior to the submittal of a claim to the

177 Treasurer for such property. The Treasurer shall determine whether
178 such subsequent process sufficiently demonstrates that ownership of
179 the property was intentionally transferred."