

SENATOR FOR A DAY PROGRAM

SENATE BILL

NO. 5
Session of 2022

INTRODUCED BY _____ April 21, 2022

REFERRED TO SENATE LAW AND JUSTICE COMMITTEE

Rights to Social Media Upon Death

This legislation will give people the power to plan for the management and disposition of their digital assets in the same way they can make plans for their tangible property: by providing instructions in a will, trust, or power of attorney.

This legislation deals with four common types of fiduciaries:

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

If a person fails to plan for the management and disposition of their digital assets, the same court-appointed fiduciary that manages the person's tangible assets can manage the person's digital assets. For a fiduciary to gain access to digital assets, the fiduciary will be required to send a request to the custodian, accompanied by a certified copy of the document granting fiduciary authority.

This legislation is designed to work in conjunction with Pennsylvania's existing laws on probate, guardianship, trusts, and powers of attorney. It extends a fiduciary's existing authority over a person's tangible assets to include the person's digital assets, with the same fiduciary duties to act for the benefit of the represented person or estate.