PROPOSED AMENDMENTS TO
HOUSE BILL 2647

1   On page 2 of the printed bill, line 14, before the comma insert "unless the

2   requirements of subsection (2) of this section have been complied with".

3   In line 23, after "et seq." insert ", 47 U.S.C. 222 or other applicable state

4   or federal privacy or confidentiality laws".

5   After line 27, insert:

6   "(2) An electronic communication service or remote computing service

7   may disclose to the executor or administrator of the estate of a deceased user

8   the contents or stored contents of the electronic communications of the de-

9   ceased user when such contents are reasonably available, the requirements

10 of subsection (1) of this section have been complied with and only if:

11   "(a) The executor or administrator provides to the electronic communi-

12 cation service or remote computing service the following:

13   "(A) A written request for the contents or stored contents of the elec-

14 tronic communications of the deceased user; and

15   "(B) A copy of the death certificate of the deceased user; and

16   "(b) A court enters an order that includes the following:

17   "(A) A finding that the will and testament of the deceased user or a set-

18 ting within a product or service that gave rise to the deceased user's elec-

19 tronic communications provided how the contents or stored contents of the

20 deceased user's electronic communications could be treated after a set period

21 of inactivity or other event that was specifically defined, and such provision

22 also authorized the disclosure of the contents or stored contents of the de-

1 ceased user's electronic communications in the manner requested; and

2 "(B) An order that the deceased user's estate will indemnify the electronic

3 communication service or remote computing service against all liability

4 arising out of compliance with the court's order.".

5 In line 28, delete "(2)" and insert "(3)" and delete "subsection (1)" and

6 insert "subsections (1) and (2)".

7 In line 33, after "subsection (1)" insert "or (2)".

8 In line 34, delete "(3)" and insert "(4)" and delete "subsection (1)" and

9 insert "subsections (1) and (2)".

10 In line 38, after the semicolon insert "or".

11 Delete lines 39 and 40.

12 In line 41, delete "(C)" and insert "(B)".

13 In line 42, after the semicolon delete "or".

14 Delete line 44 and insert "lawful access to the user's account after the

15 date of the user's death;

16 "(c) That the user's account is not that of the deceased user; or

17 "(d) Disclosure violates applicable law.".

18 In line 45, delete "(4)" and insert "(5)".

19 On page 3, line 7, delete "(5)" and insert "(6)".

20 In line 11, delete "(6)" and insert "(7)".

21 In line 14, delete "(7)" and insert "(8)".

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