



JUDICIAL COUNCIL OF CALIFORNIA

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August 10, 2016

Hon. Mark Stone, Chair
Assembly Judiciary Committee
State Capitol, Room 5155
Sacramento, California 95814

Subject: AB 691 (Calderon), as amended June 14, 2016 – Neutral
Hearing: Assembly Judiciary Committee – August 16, 2016

Dear Assembly Member Stone:

The Judicial Council is pleased to inform you that it is neutral on AB 691, as amended June 14, 2016, which would enact a modified version of the Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA).

The Judicial Council opposed earlier versions of AB 691 for a number of reasons, including the fact that it would have required court involvement in the first instance in most cases in order to authorize the release of digital assets to a fiduciary. In contrast, RUFADAA, which was developed by the Uniform Law Commission, provides a framework for custodians and fiduciaries to work out access issues on their own, and only involves courts as a last resort, similar to how trusts are designed to operate.

The author and sponsors of AB 691 have decided to limit its scope to cases involving the digital assets of deceased persons, while the RUFADAA model act adopted by the Uniform Law Commission also covers a broader universe that includes powers of attorney, trusts, and conservatorships where the principal, trustor and conservatee, respectively, are still alive. The Judicial Council would have preferred that the model act's broader approach be adopted in

California's RUFADAA legislation in order to promote uniformity and consistency, and avoid possible confusion in cases that may arise which are not explicitly covered by AB 691. However, the council recognizes the significant compromises that have been made by the author and sponsors by embracing the RUFADAA model for the cases it will cover, and believes that its successful implementation should help pave the way for subsequent legislation that may be introduced in the near future to cover the remaining case types.

For these reasons, the Judicial Council is neutral on the current version of AB 691.

Sincerely,



Cory Jasperson
Director

CJ/DP/lb

cc: Members, Assembly Judiciary Committee
Hon. Ian Calderon, Majority Floor Leader, California State Assembly
Mr. Anthony Lew, Counsel, Assembly Judiciary Committee
Mr. Paul Dress, Policy Consultant, Assembly Republican Office of Policy
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California