



March 7, 2007

**ENGROSSED  
SENATE BILL No. 212**

DIGEST OF SB 212 (Updated March 6, 2007 9:49 am - DI 107)

**Citations Affected:** IC 29-1.

**Synopsis:** Electronic documents as estate property. Requires a person who electronically stores the documents or information of another person who is deceased to give the personal representative of the estate access to, or copies of, the decedent's stored documents or information. Prohibits a custodian from destroying or disposing of the documents or information of the deceased person for two years after the custodian receives: (1) a request for access to the electronically stored documents or information from the personal representative; or (2) a court order.

**Effective:** July 1, 2007.

**Ford**

(HOUSE SPONSORS — PIERCE, RIPLEY)

January 8, 2007, read first time and referred to Committee on Judiciary.  
February 8, 2007, reported favorably — Do Pass.  
February 13, 2007, read second time, amended, ordered engrossed.  
February 14, 2007, engrossed.  
February 15, 2007, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 26, 2007, read first time and referred to Committee on Judiciary.  
March 6, 2007, reported — Do Pass.

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ES 212—LS 7146/DI 87+



March 7, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 212

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A BILL FOR AN ACT to amend the Indiana Code concerning probate.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 29-1-13-1.1 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2007]: **Sec. 1.1. (a) As used in this section, "custodian" means**  
4 **any person who electronically stores the documents or information**  
5 **of another person.**  
6 **(b) A custodian shall provide to the personal representative of**  
7 **the estate of a deceased person, who was domiciled in Indiana at**  
8 **the time of the person's death, access to or copies of any documents**  
9 **or information of the deceased person stored electronically by the**  
10 **custodian upon receipt by the custodian of:**  
11 **(1) a written request for access or copies made by the personal**  
12 **representative, accompanied by a copy of the death certificate**  
13 **and a certified copy of the personal representative's letters**  
14 **testamentary; or**  
15 **(2) an order of a court having probate jurisdiction of the**  
16 **deceased person's estate.**  
17 **(c) A custodian may not destroy or dispose of the electronically**

ES 212—LS 7146/DI 87+



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1 stored documents or information of the deceased person for two (2)  
2 years after the custodian receives a request or order under  
3 subsection (b).

4 (d) Nothing in this section shall be construed to require a  
5 custodian to disclose any information:

- 6 (1) in violation of any applicable federal law; or  
7 (2) to which the deceased person would not have been  
8 permitted access in the ordinary course of business by the  
9 custodian.

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 212, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 212 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 8, Nays 0.



SENATE MOTION

Madam President: I move that Senate Bill 212 be amended to read as follows:

Page 2, line 5, delete "in violation of any applicable" and insert "**(1) in violation of any applicable federal law; or (2) to which the deceased person would not have been permitted access in the ordinary course of business by the custodian.**".

Page 2, delete line 6.

(Reference is to SB 212 as printed February 9, 2007.)

FORD



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 212, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

LAWSON L, Chair

Committee Vote: yeas 12, nays 0.

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