


Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: November 23, 2020

SUBJECT: Fiscal Impact Statement – Uniform Fiduciary Access to Digital Assets Act of 2020

REFERENCE: Bill 23-141, Draft Committee Print as circulated on November 20, 2020

Conclusion

Funds are sufficient in the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the bill.

Background

The bill implements a uniform law¹ that establishes that a fiduciary can manage digital assets and sets parameters for the custodian² to share a user's digital assets. The bill gives a fiduciary a duty of care, duty of loyalty, and duty of confidentiality over the digital assets of a decedent, protected person, principal, or settlor. The bill establishes the fiduciary's rights to access digital assets directly, if applicable, or request access from a custodian.

The bill also sets the policies and procedures around when and how a custodian is authorized to release digital assets, a catalogue of electronic communications, and the contents of those communications. Custodians can also provide users with an online tool to specify whether and how much of a user's digital assets can be disclosed to a designated recipient. The bill enumerates procedures for disclosure of digital assets of a deceased individual, electronic communications and digital assets of a principal, digital assets held in trust, and digital assets of a protected person.

¹ As drafted by the National Conference of Commissioners on Uniform Laws.

² A custodian is a person that carries, maintains, processes, receives, or stores a user's digital assets.

The Honorable Phil Mendelson

FIS: Bill 23-141, "Uniform Fiduciary Access to Digital Assets Act of 2020," Draft Committee Print as circulated on November 20, 2020

Financial Plan Impact

Funds are sufficient in the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the bill. Any legal actions taken under this bill will most frequently involve private individuals and entities. If the Office of the Attorney General (OAG) needed to participate in any actions under this bill on behalf of the District or otherwise, OAG can absorb those costs within its existing budgeted resources.