



Substitute Senate Bill No. 393

Public Act No. 24-114

**AN ACT IMPLEMENTING THE TREASURER'S
RECOMMENDATIONS CONCERNING UNCLAIMED PROPERTY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 3-56a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2024*):

As used in this part and section 2 of this act, unless the context otherwise requires:

(1) "Apparent owner" means the person whose name appears on the records of the holder as the person entitled to the property held, issued or owing by the holder;

(2) "Banking organization" means any state bank and trust company, national banking association or savings bank engaged in business in this state;

(3) "Business association" means a corporation, joint stock company, partnership, unincorporated association, joint venture, limited liability company, business trust, trust company, safe deposit company, financial organization, insurance company, person engaged in the business of operating or controlling a mutual fund, utility or other business entity consisting of one or more persons, whether or not for

Substitute Senate Bill No. 393

profit;

(4) "Financial organization" means any savings and loan association, credit union or investment company;

(5) "Gift certificate" means a record evidencing a promise, made for consideration, by the seller or issuer of the record that goods or services will be provided to the owner of the record to the value shown in the record and includes, but is not limited to, a record that contains a microprocessor chip, magnetic stripe or other means for the storage of information that is prefunded and for which the value is decremented upon each use, a gift card, an electronic gift card, stored-value card or certificate, a store card, or a similar record or card, but "gift certificate" does not include prepaid calling cards regulated under section 42-370, prepaid commercial mobile radio services, as defined in 47 CFR 20.3 or general-use prepaid cards, as defined in section 42-460a;

(6) "Holder" means any person in possession of property subject to this part which belongs to another, or who is trustee in case of a trust, or who is indebted to another on an obligation subject to this part;

(7) "Insurance company" means an association, corporation or fraternal or mutual benefit organization, whether or not for profit, engaged in the business of providing life endowments, annuities or insurance, including accident, burial, casualty, credit life, contract performance, dental, disability, fidelity, fire, health, hospitalization, illness, life, malpractice, marine, mortgage, surety, wage protection and workers' compensation insurance;

(8) "Last-known address" means a description of the location of the apparent owner sufficient for the purpose of delivery of mail;

(9) "Mineral" means gas; oil; other gaseous, liquid, and solid hydrocarbons; oil shale; cement material; sand and gravel; road material; building stone; chemical raw material; gemstone; fissionable

Substitute Senate Bill No. 393

and nonfissionable ores; colloidal and other clay; steam and other geothermal resource; or any other substance defined as a mineral by the law of this state;

(10) "Mineral proceeds" means amounts payable for the extraction, production or sale of minerals, or, upon the abandonment of those payments, all payments that become payable thereafter, and "mineral proceeds" includes amounts payable: (A) For the acquisition and retention of a mineral lease, including bonuses, royalties, compensatory royalties, shut-in royalties, minimum royalties and delay rentals; (B) for the extraction, production or sale of minerals, including net revenue interests, royalties, overriding royalties, extraction payments and production payments; and (C) under an agreement or option, including a joint operating agreement, unit agreement, pooling agreement and farm-out agreement;

(11) "Owner" means a depositor in case of a deposit, a beneficiary in case of a trust, a creditor, claimant or payee in case of other choses in action, or any person having a legal or equitable interest in property subject to this part, or such person's legal representative;

(12) "Person" means any individual, business association, estate, trust, government, governmental subdivision, agency or instrumentality, or any other legal or commercial entity;

(13) "Property" means realty or personalty, tangible or intangible, and includes, but is not limited to, virtual currency;

(14) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;

(15) "Treasurer" means the Treasurer of the state of Connecticut; [and]

(16) "Utility" means a person who owns or operates for public use any

Substitute Senate Bill No. 393

plant, equipment, real property, franchise or license for the transmission of communications or the production, storage, transmission, sale, delivery or furnishing of electricity, water, steam or gas; and

(17) "Virtual currency" has the same meaning as provided in section 36a-596.

Sec. 2. (NEW) (*Effective July 1, 2024*) Any virtual currency held by a business association, banking organization or financial organization that facilitates the purchase, storage or transfer of virtual currency through a secure system is presumed abandoned under part III of chapter 32 of the general statutes unless the owner of such virtual currency has accessed such secure system within the preceding three years or, in the case of the final voluntary or involuntary dissolution or liquidation of the business association, banking organization or financial organization that operates such secure system, at such date of dissolution or liquidation.

Sec. 3. Section 3-65a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2024*):

(a) [Within] Not less than one hundred eighty days before a presumption of abandonment is to take effect in respect to property subject to section 3-60b or 3-60c and within one year before a presumption of abandonment is to take effect in respect to all other property subject to this part, and if the owner's claim is not barred by law, the holder shall notify the owner thereof and take reasonable steps to prevent abandonment from being presumed, at a minimum, by sending such notice by first class mail directed to the owner's last-known address, and, if a holder has received an owner's consent for the electronic delivery of any notices that are required by law, by electronic mail directed to the owner's last-known electronic mail address, that evidence of interest must be indicated as required by this part or such property will be transferred to the Treasurer and will be subject to

Substitute Senate Bill No. 393

escheat to the state. If the property presumed abandoned is a security, virtual currency or tangible property from a safe deposit box, the holder's notice shall indicate that such property may be liquidated either prior to or following its reporting to the Treasurer and that after such liquidation will be limited to the proceeds of such liquidation. Nothing in this subsection shall be construed to require an owner to consent to the electronic delivery of notices for communications regarding unclaimed property.

(b) Not later than ninety days after the close of the calendar year in which property is presumed abandoned, the holder shall pay or deliver such property to the Treasurer and file, on forms that the Treasurer shall provide, a report of unclaimed property. Each report shall be verified and shall include: (1) The name, if known, [and] last-known physical and electronic mail address, if any, and last-known telephone number, if any, of each person appearing to be the owner of such property; (2) in case of unclaimed funds of an insurance company, the full name of the insured or annuitant and beneficiary and his or her last-known address appearing on the insurance company's records; (3) the nature and identifying number, if any, or description of the property and the amount appearing from the records to be due; (4) the date when the property became payable, demandable or returnable and the date of the last transaction with the owner with respect to the property; (5) if the holder is a successor to other holders, or if the holder has changed the holder's name, all prior known names and addresses of each holder of the property; and (6) such other information as the Treasurer may require.

(c) Verification, if made by a partnership, shall be executed by a partner; if made by an unincorporated association or private corporation, by an officer; and if made by a public corporation, by its chief fiscal officer.

(d) The Treasurer shall keep a permanent record of all reports

Substitute Senate Bill No. 393

submitted to the Treasurer pursuant to this section.

(e) Except for claims paid under section 3-67a and except as provided in subsection (e) of section 3-70a, no owner shall be entitled to any interest, income or other increment which may accrue to property presumed abandoned from and after the date of payment or delivery to the Treasurer.

(f) The Treasurer may decline to receive any property the value of which is less than the cost of giving notice or holding sale, or may postpone taking possession until a sufficient sum accumulates.

(g) The Treasurer, or any officer or agency designated by the Treasurer, may examine any person on oath or affirmation, or the records of any person or any agent of the person including, but not limited to, a dividend disbursement agent or transfer agent of a business association, banking organization or insurance company that is the holder of property presumed abandoned to determine whether the person or agent has complied with this part. The Treasurer may conduct the examination even if the person or agent believes the person or agent is not in possession of any property that must be paid, delivered or reported under this part. The Treasurer may bring an action in a court of appropriate jurisdiction to enforce the provisions of this part.

(h) A record of the issuance of a check, draft or similar instrument is prima facie evidence of the obligation represented by the check, draft or similar instrument. In claiming property from a holder who is also the issuer, the Treasurer's burden of proof as to the existence and amount of the property and its abandonment is satisfied by showing issuance of the instrument and passage of the requisite period of abandonment. Defenses of payment, satisfaction, discharge and want of consideration are affirmative defenses that shall be established by the holder.

(i) Notwithstanding the provisions of subsection (b) of this section,

Substitute Senate Bill No. 393

the holder of personal property presumed abandoned pursuant to subdivision (5) of subsection (a) of section 3-57a or section 2 of this act shall (1) sell such property and pay the proceeds arising from such sale, excluding any charges that may lawfully be withheld, to the Treasurer, unless such property consists of military medals, in which case such property shall not be sold, and (2) provide the Treasurer with records deemed appropriate by the Treasurer of property so presumed abandoned. The holder shall complete the sale of such property and deliver the net proceeds to the Treasurer not later than thirty days after filing the report required under subsection (b) of this section. A holder of [such] tangible, personal property may contract with a third party to store and sell such property and to pay the proceeds arising from such sale, excluding any charges that may be lawfully withheld, to the Treasurer, provided the third party holds a surety bond or other form of insurance coverage with respect to such activities. Any holder who sells [such] property pursuant to subsection (a) of section 3-57a or section 2 of this act and remits the excess proceeds to the Treasurer or who transmits [such] tangible, personal property to a bonded or insured third party for such purposes, shall not be responsible for any claims related to the sale or transmission of the property or proceeds to the Treasurer. If the Treasurer exempts any such property from being remitted or sold pursuant to this subsection, whether by regulations or guidelines, the holder of such property may dispose of such property in any manner such holder deems appropriate and such holder shall not be responsible for any claims related to the disposition of such property or any claims to the property itself. For purposes of [this subsection] the sale of personal property presumed abandoned under subdivision (5) of subsection (a) of section 3-57a or section 2 of this act, charges that may lawfully be withheld include costs of storage, appraisal, advertising and sales commissions as well as lawful charges owing under the contract governing the safe deposit box rental.

(j) In the event military medals are presumed abandoned pursuant to

Substitute Senate Bill No. 393

subdivision (5) of subsection (a) of section 3-57a, a banking or financial organization shall transmit such medals to the Department of Veterans Affairs in accordance with procedures established by the Treasurer. The Treasurer and Commissioner of Veterans Affairs shall enter into a memorandum of understanding concerning the handling of such medals and the Department of Veterans Affairs shall hold such medals in custody pursuant to such memorandum. The Treasurer may make any information obtained pursuant to this section, including any photograph or other visual depiction of a military medal but excluding Social Security numbers, available to the public to facilitate the identification of the original owner of such medal or such owner's heirs or beneficiaries.

Sec. 4. Subsection (c) of section 3-66a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2024*):

(c) The Treasurer shall notify, [by first-class mail] in a manner deemed appropriate by the Treasurer, each person, other than an individual to whom the Treasurer makes or will make a payment pursuant to subsection (f) of section 3-70a, reported as the apparent owner of unclaimed property that was reported or transferred to the Treasurer during the preceding calendar year and for whom the holder of such property has reported a last-known address, valid electronic mail address or telephone number to the Treasurer. Such notice shall include information concerning the amount and description of such property and the process by which such owner may verify ownership to and claim such property.

Sec. 5. Section 3-70a of the general statutes is amended by adding subsection (g) as follows (*Effective from passage*):

(NEW) (g) The Treasurer may make direct payment to one or more claimants, without such claimant having been granted a decree to

Substitute Senate Bill No. 393

transfer personal property, been issued a current fiduciary certificate, or secured any other similar document, for any solely owned unclaimed property of a deceased owner valued at less than five hundred dollars in the aggregate at the time of the claim, subject to the following conditions:

(1) If no affidavit in lieu of administration or similar petition has been filed in a Probate Court or more than one year has passed since the last decree to transfer personal property or any other similar document has been issued, upon a claimant furnishing a certified claim and a sworn affidavit under penalty of perjury showing entitlement to such property. Such affidavit shall be in a form prescribed by the Treasurer and shall include, at a minimum, (A) the claimant's affirmation that the claimant is the sole heir, or (B) attestation from all of the other heirs with a valid claim to the property confirming the rightful distribution of the property under the law.

(2) If a fiduciary of a decedent estate has been appointed by a Probate Court, but the decedent's estate was closed more than one year prior to the discovery of the relevant unclaimed property, upon a claimant's furnishing of a certified claim and a sworn affidavit under penalty of perjury showing entitlement to such property. Such affidavit shall be in a form prescribed by the Treasurer and shall include, at a minimum (A) the claimant's affirmation that the claimant is the previously appointed fiduciary and that the claimant shall distribute the funds as required by law; or (B) attestations from any rightful heir or beneficiary consistent with the provisions of subdivision (1) of this subsection.

(3) The payment of the amount due under this section shall constitute a full acquittance and release of the state for the amount paid. Any claimant paid by the Treasurer in good faith shall be answerable concerning such payment to anyone prejudiced by an improper distribution or payment. Except as provided in this subsection, nothing in this section shall be construed to modify or eliminate any of a

Substitute Senate Bill No. 393

claimant's responsibilities under any other state or federal law, including, but not limited to, any obligations under title 45a.

Sec. 6. (NEW) (*Effective from passage*) The Commissioner of Revenue Services and the Treasurer shall enter into an agreement for the disclosure of return information, or other relevant information in the commissioner's possession, to the Treasurer to facilitate (1) the identification of the rightful owner of unclaimed property under part III of chapter 32 of the general statutes, and (2) the payment of claims via electronic deposit or other electronic means. No provision of any such agreement shall unnecessarily delay or impede the Treasurer's ability to comply with any requirements for such payment required by law.

Sec. 7. Subsection (b) of section 12-15 of the 2024 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The commissioner may disclose (1) returns or return information to (A) an authorized representative of another state agency or office, upon written request by the head of such agency or office, when required in the course of duty or when there is reasonable cause to believe that any state law is being violated, or (B) an authorized representative of an agency or office of the United States, upon written request by the head of such agency or office, when required in the course of duty or when there is reasonable cause to believe that any federal law is being violated, provided no such agency or office shall disclose such returns or return information, other than in a judicial or administrative proceeding to which such agency or office is a party pertaining to the enforcement of state or federal law, as the case may be, in a form which can be associated with, or otherwise identify, directly or indirectly, a particular taxpayer except that the names and addresses of jurors or potential jurors and the fact that the names were derived from the list of taxpayers pursuant to chapter 884 may be disclosed by the Judicial Branch; (2) returns or return information to the Auditors of Public

Substitute Senate Bill No. 393

Accounts, when required in the course of duty under chapter 23; (3) returns or return information to tax officers of another state or of a Canadian province or of a political subdivision of such other state or province or of the District of Columbia or to any officer of the United States Treasury Department or the United States Department of Health and Human Services, authorized for such purpose in accordance with an agreement between this state and such other state, province, political subdivision, the District of Columbia or department, respectively, when required in the administration of taxes imposed under the laws of such other state, province, political subdivision, the District of Columbia or the United States, respectively, and when a reciprocal arrangement exists; (4) returns or return information in any action, case or proceeding in any court of competent jurisdiction, when the commissioner or any other state department or agency is a party, and when such information is directly involved in such action, case or proceeding; (5) returns or return information to a taxpayer or its authorized representative, upon written request for a return filed by or return information on such taxpayer; (6) returns or return information to a successor, receiver, trustee, executor, administrator, assignee, guardian or guarantor of a taxpayer, when such person establishes, to the satisfaction of the commissioner, that such person has a material interest which will be affected by information contained in such returns or return information; (7) information to the assessor or an authorized representative of the chief executive officer of a Connecticut municipality, when the information disclosed is limited to (A) a list of real or personal property that is or may be subject to property taxes in such municipality, or (B) a list containing the name of each person who is issued any license, permit or certificate which is required, under the provisions of this title, to be conspicuously displayed and whose address is in such municipality; (8) real estate conveyance tax return information or controlling interest transfer tax return information to the town clerk or an authorized representative of the chief executive officer of a Connecticut municipality to which the information relates; (9) estate tax returns and

Substitute Senate Bill No. 393

estate tax return information to the Probate Court Administrator or to the court of probate for the district within which a decedent resided at the date of the decedent's death, or within which the commissioner contends that a decedent resided at the date of the decedent's death or, if a decedent died a nonresident of this state, in the court of probate for the district within which real estate or tangible personal property of the decedent is situated, or within which the commissioner contends that real estate or tangible personal property of the decedent is situated; (10) returns or return information to the (A) Secretary of the Office of Policy and Management for purposes of subsection (b) of section 12-7a, and (B) Office of Fiscal Analysis for purposes of, and subject to the provisions of, subdivision (2) of subsection (f) of section 12-7b; (11) return information to the Jury Administrator or Clerk of the United States District Court for the District of Connecticut, when the information disclosed is limited to the names, addresses, federal Social Security numbers and dates of birth, if available, of residents of this state, as defined in subdivision (1) of subsection (a) of section 12-701; (12) returns or return information to any person to the extent necessary in connection with the processing, storage, transmission or reproduction of such returns or return information, and the programming, maintenance, repair, testing or procurement of equipment, or the providing of other services, for purposes of tax administration; (13) without written request and unless the commissioner determines that disclosure would identify a confidential informant or seriously impair a civil or criminal tax investigation, returns and return information which may constitute evidence of a violation of any civil or criminal law of this state or the United States to the extent necessary to apprise the head of such agency or office charged with the responsibility of enforcing such law, in which event the head of such agency or office may disclose such return information to officers and employees of such agency or office to the extent necessary to enforce such law; (14) names and addresses of operators, as defined in section 12-407, to tourism districts, as defined in section 10-397; (15) names of each licensed dealer, as defined in section

Substitute Senate Bill No. 393

12-285, and the location of the premises covered by the dealer's license; (16) to a tobacco product manufacturer that places funds into escrow pursuant to the provisions of subsection (a) of section 4-28i, return information of a distributor licensed under the provisions of chapter 214 or chapter 214a, provided the information disclosed is limited to information relating to such manufacturer's sales to consumers within this state, whether directly or through a distributor, dealer or similar intermediary or intermediaries, of cigarettes, as defined in section 4-28h, and further provided there is reasonable cause to believe that such manufacturer is not in compliance with section 4-28i; (17) returns or return information to the State Elections Enforcement Commission, upon written request by said commission, when necessary to investigate suspected violations of state election laws; (18) returns or return information for purposes of, and subject to the conditions of, subsection (e) of section 5-240; (19) to the extent allowable under federal law, return information to another state agency or to support a data request submitted through CP20 WIN, established in section 10a-57g, in accordance with the policies and procedures of CP20 WIN for the purposes of evaluation or research, provided the recipient of such data enters into a data sharing agreement pursuant to section 4-67aa if such recipient is not a state agency; [and] (20) return information to the Connecticut Health Insurance Exchange pursuant to section 12-156; and (21) return information to the Treasurer pursuant to an agreement entered into under section 7 of this act.