

2024 -- S 2702

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- DIGITAL ASSET KEYS--
PROHIBITION OF PRODUCTION OF PRIVATE KEYS

Introduced By: Senators DiPalma, Ciccone, Zurier, and Gu

Date Introduced: March 01, 2024

Referred To: Senate Commerce

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 64.35

4 DIGITAL ASSET KEYS -- PROHIBITION OF PRODUCTION OF PRIVATE KEYS

5 **42-64.35-1. Short title.**

6 This chapter shall be known and may be cited as the "Digital Asset Keys -- Prohibition of
7 Production of Private Keys."

8 **42-64.35-2. Purpose.**

9 This act prohibits the compelled production of a private key that relates to a digital asset.

10 **42-64.35-3. Definitions.**

11 As used in this chapter the following words and phrases shall have the following meanings,
12 unless the context otherwise requires:

13 (1) "Private key" means a unique element of cryptographic data, or any substantially similar
14 analogue, which is:

15 (i) Held by a person;

16 (ii) Paired with a unique, publicly available element of cryptographic data; and

17 (iii) Associated with an algorithm that is necessary to carry out an encryption or decryption
18 required to execute a transaction.

1 **42-64.35-4. Public key exception.**

2 No person shall be compelled to produce a private key or make a private key known to any
3 other person in any civil, criminal, administrative, legislative or other proceeding in this state that
4 relates to a digital asset, digital identity or other interest or right to which the private key provides
5 access unless a public key is unavailable or unable to disclose the requisite information with respect
6 to the digital asset, digital identity or other interest or right.

7 **42-64.35-5. No prohibition for lawful proceeding.**

8 This section shall not be interpreted to prohibit any lawful proceeding that compels a
9 person to produce, sell, transfer, convey or disclose a digital asset, digital identity or other interest
10 or right to which a private key provides access, or to disclose information about the digital asset,
11 digital identity or other interest or right; provided that, the person is not required to produce or
12 disclose the private key except as otherwise required in this section.

13 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- DIGITAL ASSET KEYS--
PROHIBITION OF PRODUCTION OF PRIVATE KEYS

- 1 This act would prohibit the compelled production of a private key as it relates to a digital
- 2 asset, digital identity or other interest or right.
- 3 This act would take effect upon passage.

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