

HB4963 • West Virginia

Prohibiting the use of deep fake technology to influence an election

In Committee

Risk: High

Narrow/Targeted

Last Action (Feb 28, 2024): To Judiciary

Summary

This bill prohibits the use of deep fake technology to influence elections in West Virginia, allowing injunctive relief by specific parties.

Business Impact

If you disseminate media that could be a deep fake in West Virginia, you must ensure it complies with this bill or face criminal penalties.

Key Provisions

- Prohibits dissemination of deep fakes to influence elections within 90 days of an election.
- Defines key terms such as 'deep fake' and 'depicted individual'.
- Establishes penalties for violations, including fines and imprisonment.
- Allows for injunctive relief by the Attorney General, a county prosecutor, the depicted individual, or a candidate.
- Exempts certain media outlets only if their role was limited to distributing a prohibited political advertisement, and satire/parody content with disclaimers.
- Specifies that consent from the depicted individual is required for dissemination.

Compliance Checklist

- Ensure no deep fake content is disseminated without consent of depicted individuals. | Who: Individuals and organizations disseminating media. | Penalty: Criminal penalties including fines and imprisonment.
- Include disclaimers for any satire or parody content that uses manipulated media. | Who: Content creators and distributors. | Penalty: Potential legal action if not compliant.

Industries Affected

Topics

AI Deepfakes

Bill Sponsors

Name	Party	Role
Josh Holstein	R	Sponsor
Daniel Linville	R	Sponsor
Kayla Young	D	Sponsor
Geno Chiarelli	R	Sponsor
Jimmy Willis	R	Sponsor
Rick Hillenbrand	R	Sponsor

Roll Call Votes

Date	Description	Yea	Nay	Result
2024-02-27	Passed House (Roll No. 317)	88	11	Passed

Official Source

http://www.wvlegislature.gov/Bill_Status/Bills_history.cfm?input=4963&year;=2024&sessiontype;=RS&bttype;=bill

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