

HB5516 • West Virginia

Relating to criminalizing the use of deep fakes

In Committee

Risk: High

Comprehensive

Last Action (Feb 28, 2024): To Judiciary

Summary

This bill prohibits the use of deep fake images for invading privacy and unlawfully depicting minors in explicit conduct, establishing criminal penalties.

Business Impact

If you use AI to create or distribute images, you must ensure compliance with privacy laws or face criminal penalties.

Key Provisions

- Prohibits the use of deep fake images for nonconsensual disclosure of private intimate images.
- Establishes criminal penalties for unlawful depiction of minors in sexually explicit conduct.
- Defines key terms such as 'deep fake' and 'intimate parts' for clarity in enforcement.
- Exempts disclosures made with consent or for lawful reporting of illegal conduct.
- Clarifies that service providers are not liable for user-generated content.

Compliance Checklist

- Ensure no deep fake images are used without consent, especially involving minors. | Who: Content creators and distributors. | Penalty: Misdemeanor or felony charges depending on the violation.
- Review and update content policies to align with new definitions and prohibitions. | Who: Businesses and organizations using AI for image generation. | Penalty: Potential legal consequences for non-compliance.

Industries Affected

Topics

AI Deepfakes

Bill Sponsors

Name	Party	Role
Jarred Cannon	R	Sponsor
Laura Kimble	R	Sponsor
Jonathan Pinson	R	Sponsor
Josh Holstein	R	Sponsor
Jordan Maynor	R	Sponsor
Adam Burkhammer	R	Sponsor
Geno Chiarelli	R	Sponsor
David Kelly	R	Sponsor
Kayla Young	D	Sponsor
Wayne Clark	R	Sponsor
James Akers	R	Sponsor

Roll Call Votes

Date	Description	Yea	Nay	Result
2024-02-27	Passed House (Roll No. 334)	96	0	Passed

Amendments

- hb5516 h ai am _1-2-14 — 2024-01-02 (Not Adopted)

Official Source

http://www.wvlegislature.gov/Bill_Status/Bills_history.cfm?input=5516&year;=2024&sessiontype;=RS&btype;=bill

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