

HB316 • Delaware

An Act To Amend Title 15 Of The Delaware Code Relating To Deep Fakes In Elections.

Passed Both Chambers

Risk: High

Comprehensive

Effective: Oct 09, 2024 | Last Action (Oct 09, 2024): Signed by Governor

Summary

This Act criminalizes the use of deep fake technology to influence elections, with specific penalties and exceptions for disclaimers.

Business Impact

If you distribute media related to elections in Delaware, you must ensure it includes a disclaimer if altered, or face misdemeanor charges by 10/9/24.

Key Provisions

- Criminalizes distribution of deep fakes intended to mislead voters within 90 days of an election.
- Exempts altered media with disclaimers from penalties.
- Establishes penalties ranging from class B misdemeanors to class E felonies based on intent and repeat offenses.
- Allows civil injunctive relief for candidates depicted in deep fakes.
- Includes exceptions to protect free speech and media rights.
- Specifies that all offenses are heard in Superior Court.

Compliance Checklist

- Ensure all election-related media includes a disclaimer if altered. | Who: Media distributors and election-related content creators. | Penalty: Class B misdemeanor for non-compliance.
- Review and potentially modify content distribution practices to comply with the new law. | Who: Businesses involved in election media. | Penalty: Increased penalties for violations, including class A misdemeanors for harmful intent.

Industries Affected

Media

Technology

Political Campaigns

Topics

AI Deepfakes

AI in Political Advertising

AI Likeness

Bill Sponsors

Name	Party	Role
Valerie Longhurst		Primary
Nicole Poore	Democratic	Primary
Krista Griffith	Democratic	Primary
Ernesto B. Lopez		Primary
Darius J. Brown	Democratic	Primary
Sherry Dorsey Walker		Primary
Michael F. Smith	Democratic	Primary
Kyle Evans Gay		Cosponsor
Stephanie L. Hansen	Democratic	Cosponsor
David P. Sokola		Cosponsor
Stephanie T. Bolden	Democratic	Cosponsor
Ruth Briggs King		Cosponsor

Roll Call Votes

Date	Description	Yea	Nay	Result
2024-06-30	SM	40	1	Passed
2024-06-27	SM	21	0	Passed
2024-05-09	SM	37	0	Passed

Official Source

<https://legis.delaware.gov/BillDetail?LegislationId=141109>

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