

# SB309 • Hawaii

## Relating To Privacy.

Passed Both Chambers

Risk: High

Amendment

Last Action (Jun 24, 2021): Act 059, 06/23/2021 (Gov. Msg. No. 1160).

## Summary

This bill adds the intentional creation or disclosure of deep fake images or videos, depicting a composite fictitious person with recognizable characteristics of a known person, to the offense of violation of privacy in the first degree, with intent to substantially harm the depicted person.

## Business Impact

If you create or share deep fake content in Hawaii, you must ensure it complies with privacy laws or face felony charges.

## Key Provisions

- Adds deep fake creation and disclosure to violation of privacy in the first degree, with intent to substantially harm.
- Defines conditions under which deep fakes are prohibited, including recognizable characteristics of a known person.
- Establishes penalties for violations as a class C felony.
- Includes exemptions for certain public and commercial scenarios.
- Mandates destruction of recordings made in violation of this section.
- Seals and keeps confidential any recordings not destroyed.

## Compliance Checklist

- Ensure compliance with privacy laws regarding deep fakes. | Who: Individuals and businesses creating or sharing digital media. | Penalty: Class C felony charges for violations.

## Industries Affected

Entertainment

Technology

Digital Media

Consumer Protection

Media Production

Digital Content Distribution

## Topics

AI Deepfakes

AI Transparency

AI Privacy

## Bill Sponsors

Name	Party	Role
Karl Rhoads	D	Sponsor

## Roll Call Votes

Date	Description	Yea	Nay	Result
2021-04-22	Senate Conference: Passed, With Amendments	3	0	Passed
2021-04-22	House Conference: Passed, With Amendments	3	0	Passed
2021-03-30	House Judiciary & Hawaiian Affairs: Passed, With A	11	0	Passed
2021-03-18	House Consumer Protection & Commerce: Passed, With	11	0	Passed
2021-02-02	Senate Judiciary: Passed, With Amendments	7	0	Passed

## Official Source

[http://www.capitol.hawaii.gov/measure\\_indiv.aspx?billtype=SB&billnumber;=309&year;=2021](http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber;=309&year;=2021)

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