

S05583 • New York

Establishes the crime of aggravated harassment by means of electronic or digital communication; provides for a private right of action for the unlawful dissemination or publication of deep fakes, which are digitized images which are altered to incorporate a person's face or their identifiable body...

Introduced

Risk: Medium

Comprehensive

Last Action (Jan 03, 2024): REFERRED TO CODES

Summary

The bill establishes aggravated harassment via digital communication and a private right of action for unlawful deep fake dissemination.

Business Impact

If you publish digital content, ensure consent for deep fakes or face legal action immediately.

Key Provisions

- Section 240.80: Establishes aggravated harassment by means of electronic or digital communication.
- Section 52-b: Provides a private right of action for unlawful dissemination of deep fakes.
- Defines 'deep fake' as altered images depicting pornographic acts or graphic violence without consent.
- Classifies aggravated harassment as a class A misdemeanor.
- Exempts lawful reporting and certain legal practices from liability.

Compliance Checklist

- Ensure all digital content does not include deep fakes without consent. | Who: Content creators and distributors. | Penalty: Class A misdemeanor penalties and potential civil damages.
- Implement procedures for obtaining consent for any images used. | Who: Businesses involved in digital media. | Penalty: Legal action from affected individuals.

Industries Affected

Social Media

Technology

Digital Media

Content Creation

Topics

AI Deepfakes

Bill Sponsors

Name	Party	Role
KENNEDY		Primary
BROOKS		Primary
COMRIE		Primary
Jessica Scarcella-Spanton	Democratic	Primary
Andrew J. Lanza	Republican/Conservative/Independence/Reform	Primary

Related Bills

- S06829 (NY)
- S06278 (NY)
- A04217 (NY)
- A06293 (NY)
- A10217 (NY)

Official Source

<https://www.nysenate.gov/legislation/bills/2023/S5583>

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