

A10217 • 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: High

Comprehensive

Last Action (May 18, 2022): print number 10217a

Summary

This bill establishes aggravated harassment via digital communication with intent to harass, annoy, threaten, or alarm, and allows private action against unlawful deep fakes where privacy is expected.

Business Impact

If you create or share digital content in New York, you must ensure it does not include unauthorized deep fakes or face legal action.

Key Provisions

- Establishes aggravated harassment via electronic communication with intent to harass, annoy, threaten, or alarm for distributing harmful deep fakes.
- Defines 'deep fake' and outlines the criteria for unlawful dissemination.
- Allows individuals to sue for damages if depicted in unauthorized deep fakes where they had a reasonable expectation of privacy.
- Specifies exemptions for lawful reporting and public interest disclosures.
- Clarifies that no prior criminal complaint is needed for civil action.
- Establishes penalties for violations as a class A misdemeanor.

Compliance Checklist

- Ensure all digital content does not include unauthorized deep fakes. | Who: Content creators and distributors in New York. | Penalty: Potential class A misdemeanor charges.

- Obtain explicit written consent for using individuals' likenesses in digital content. | Who: Businesses and individuals creating digital media. | Penalty: Legal action for unlawful dissemination.

Industries Affected

Content Creation Entertainment Media Digital Media Technology Social Media

Topics

AI Deepfakes AI Likeness

Bill Sponsors

Name	Party	Role
ABBATE		Primary
SALKA		Primary
Rules Committee		Primary
Yudelka Tapia	Democratic	Primary

Related Bills

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- A04217 (NY)
 - S05583 (NY)
 - A06293 (NY)
 - S06829 (NY)
 - S06278 (NY)

Official Source

<https://www.nysenate.gov/legislation/bills/2021/A10217>

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