

S06829 • 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 (Jun 03, 2022): COMMITTED TO RULES

Summary

This bill establishes aggravated harassment via digital communication and a private right of action for the unlawful dissemination of deep fakes and intimate images.

Business Impact

If you operate a platform that hosts images or videos, you must ensure consent for deep fakes or face legal action.

Key Provisions

- Establishes aggravated harassment via electronic communication involving deep fakes with intent to harass, annoy, threaten, or alarm.
- Defines 'deep fake' and outlines conditions for unlawful dissemination, including lack of explicit written permission.
- Provides a private right of action for victims of non-consensual deep fakes and intimate images.
- Classifies aggravated harassment as a class A misdemeanor.
- Specifies exemptions for lawful reporting and public interest.
- Clarifies that no prior criminal complaint is needed for civil actions.
- Specifies remedies including punitive damages and attorney's fees.

Compliance Checklist

- Ensure all digital content featuring individuals has explicit consent. | Who: Content creators and distributors. | Penalty: Legal action for non-compliance.

- Implement procedures to remove non-consensual deep fakes upon request. | Who: Websites and platforms hosting such content. | Penalty: Potential legal liability.

Industries Affected

Media Technology Content Creation Digital Media Social Media

Topics

AI Deepfakes AI Intimate Images

Bill Sponsors

Name	Party	Role
KAMINSKY		Primary
CARLUCCI		Cosponsor
GAUGHRAN		Cosponsor
HARCKHAM		Cosponsor
HOYLMAN		Cosponsor
KAPLAN		Cosponsor
LIU		Cosponsor
METZGER		Cosponsor
RIVERA		Cosponsor
SERRANO		Cosponsor
THOMAS		Cosponsor
LITTLE		Primary

Roll Call Votes

Date	Description	Yea	Nay	Result
2022-05-09	Codes Vote	13	0	Passed

Related Bills

- S06278 (NY)

- S05583 (NY)
- A06293 (NY)
- A04217 (NY)
- A10217 (NY)

Official Source

<https://www.nysenate.gov/legislation/bills/2021/S6829>

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