



# Artificial Intelligence Deepfake Issues

Task Force for the Consideration of Facial Recognition Services

Colorado

Dec. 13, 2023



# Testimony Agenda



## What is a deepfake?

- Machine Learning
  - Generative Adversarial Networks (GANs)

## State Action

- Online Impersonation State Statutes
- Deepfake State Laws
- Deepfake State Legislation
- Watermark and Disclosure Requirements
- Deepfakes: Elections
- Right to Publicity

## Federal Action

- Deepfake Legislation
- Deepfakes: Election Campaigns
- Deepfakes: National Security





# Strengthening the legislative institution

# How NCSL Strengthens Legislatures



## Policy Research

NCSL provides trusted, nonpartisan policy research and analysis



## Connections

NCSL links legislators and staff with each other and with experts



## Training

NCSL delivers training tailored specifically for legislators and staff



## State Voice in D.C.

NCSL represents and advocates on behalf of states on Capitol Hill



## Meetings

NCSL meetings facilitate information exchange and policy discussions



# What Are Deepfakes and How Are They Created?



**CNET** Tech Money Home Wellness Home Internet Energy Deals Sleep Price Finder More [Join/Log In](#)

AI Deepfake Ads: Tom Hanks, Gayle King Sound Warning

Don't be fooled -- that's not really the Forrest Gump star in a dental video or the TV host in a weight-loss ad.

Geel Fashingbauer Cooper Oct 3, 2023 4:30 pm PT 3 min read



The Verge Tech / Reviews / Science / Entertainment / More +

**MIGRATION** Only in Theaters This Christmas GET TICKETS

ARTIFICIAL INTELLIGENCE / TECH / POLICY

**DeSantis attack ad uses fake AI images of Trump embracing Fauci**



**Voice Deepfakes Are Coming for Your Bank Balance**

Artificial intelligence tools have given scammers a potent weapon for trying to trick people into sending them money.



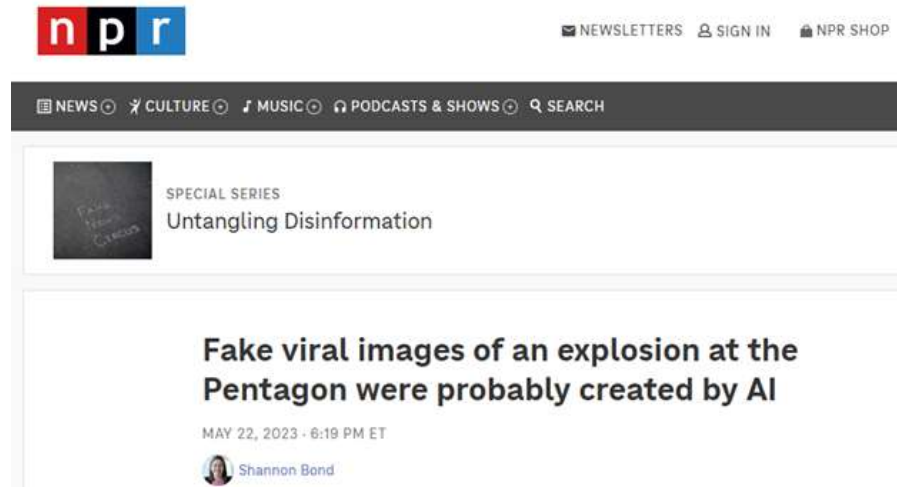
ars TECHNICA BIZ & IT TECH SCIENCE POLICY CARS GAMING & CULTURE STORE FORUMS

GETTING THE CREEPS —

**Teen boys use AI to make fake nudes of classmates, sparking police probe**

Parents told the high school "believed" the deepfake nudes were deleted.

ASHLEY BELANGER - 11/2/2023, 2:30 PM



**npr** NEWSLETTERS SIGN IN NPR SHOP

NEWS CULTURE MUSIC PODCASTS & SHOWS SEARCH

SPECIAL SERIES  
Untangling Disinformation

**Fake viral images of an explosion at the Pentagon were probably created by AI**

MAY 22, 2023 - 6:19 PM ET

Shannon Bond



**Rolling Stone** ☰ 🔍

JOSH AND THE WEEKDAY

## Viral Drake and The Weeknd AI Collaboration Pulled From Apple, Spotify

The song, "Heart on My Sleeve," was created from scratch by TikTok user Ghostwriter977, who slapped on a Metro Boomin producer tag and has since amassed over 11 million views

BY LARISHA PAUL, ETHAN MILLMAN

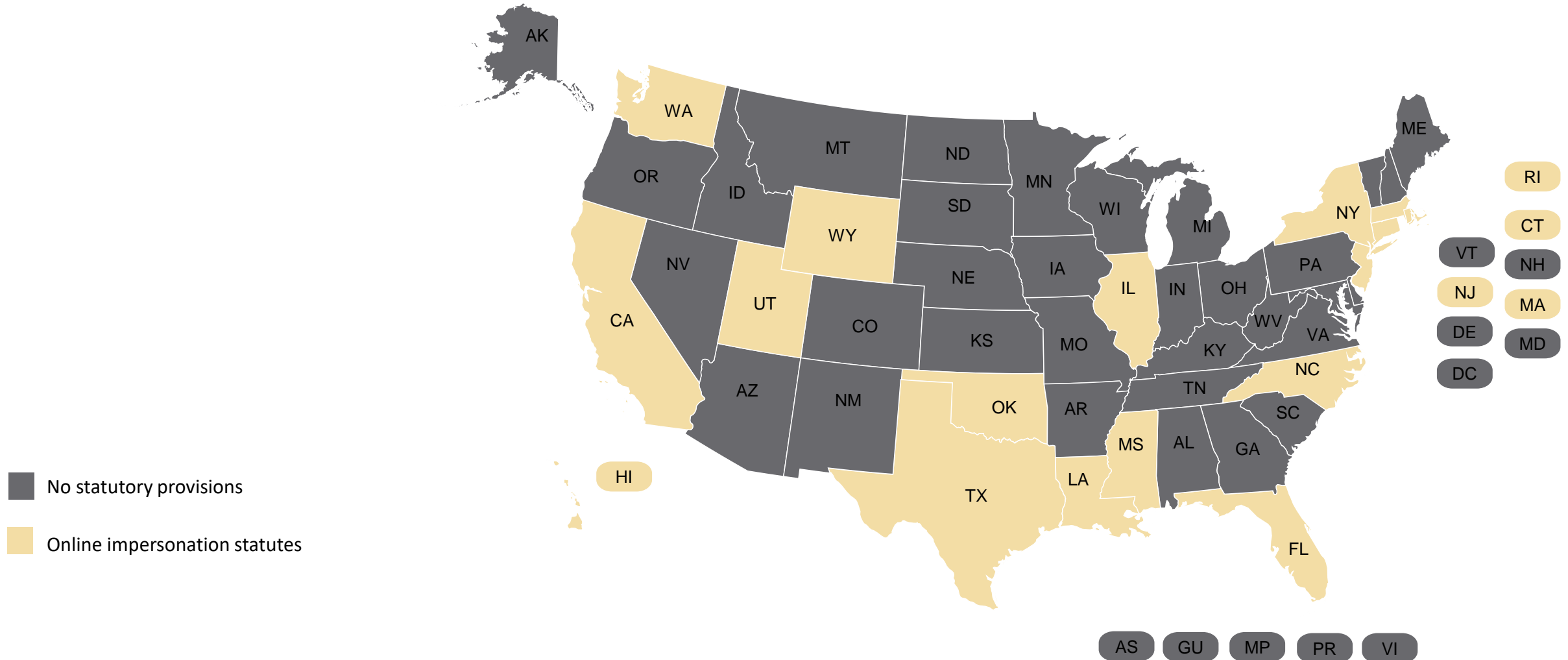
APRIL 17, 2023





# Online Impersonation State Statutes

Intent to intimidate, bully, threaten or harass a person



# Deepfakes State Laws



1

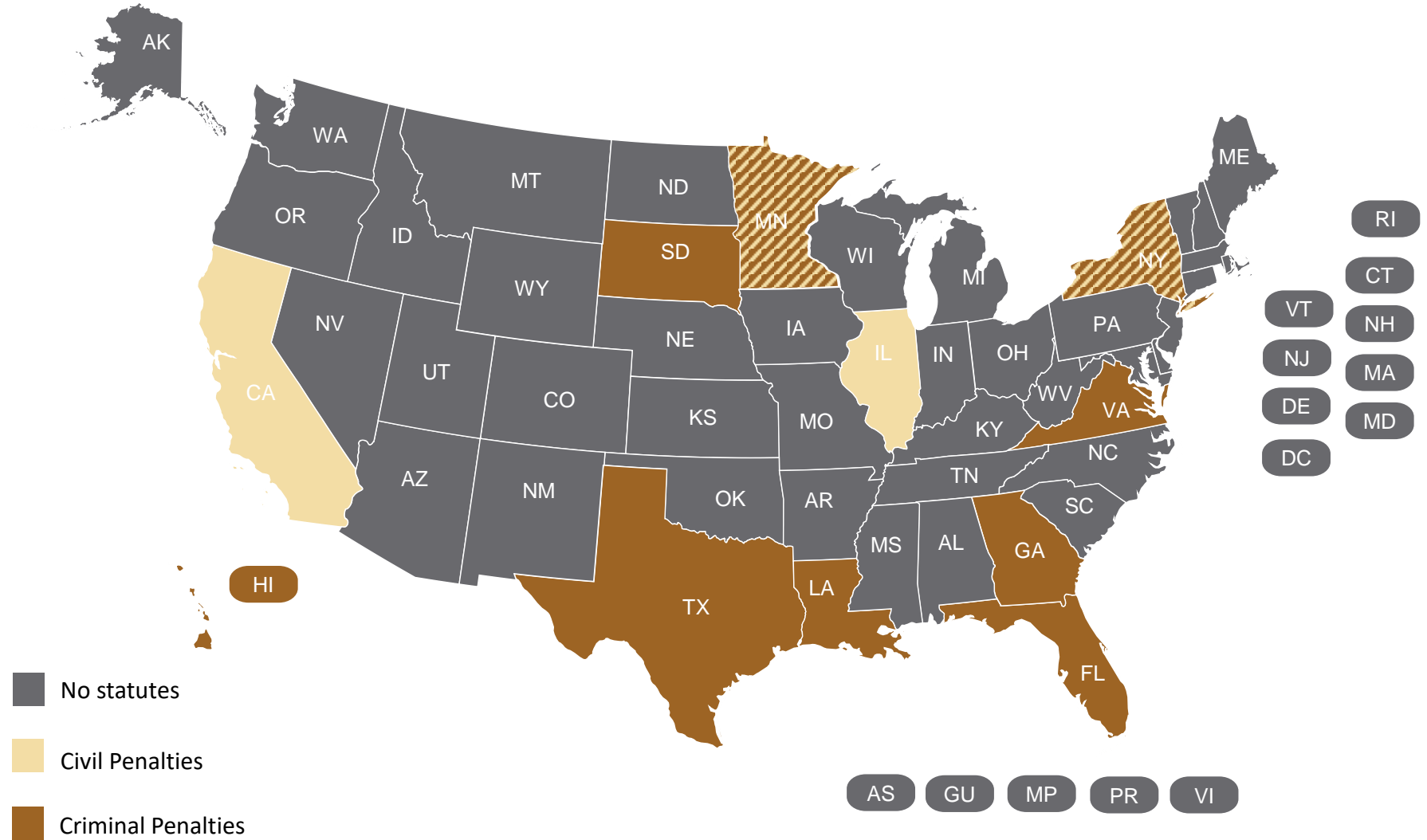
## Civil Penalties

- California, Illinois, Minnesota and New York

2

## Criminal Penalties

- Florida, Georgia, Hawaii, Louisiana, Minnesota, New York, South Dakota, Texas and Virginia







# Watermark and Disclosure Requirements



IL HB 3285

Watermark  
Disclosure



NJ AB 1825

Disclosure



NY AB 216

Disclosure



NY SB 6859

Disclosure



PA HB 1598

Disclosure



# Deepfakes: Elections



1

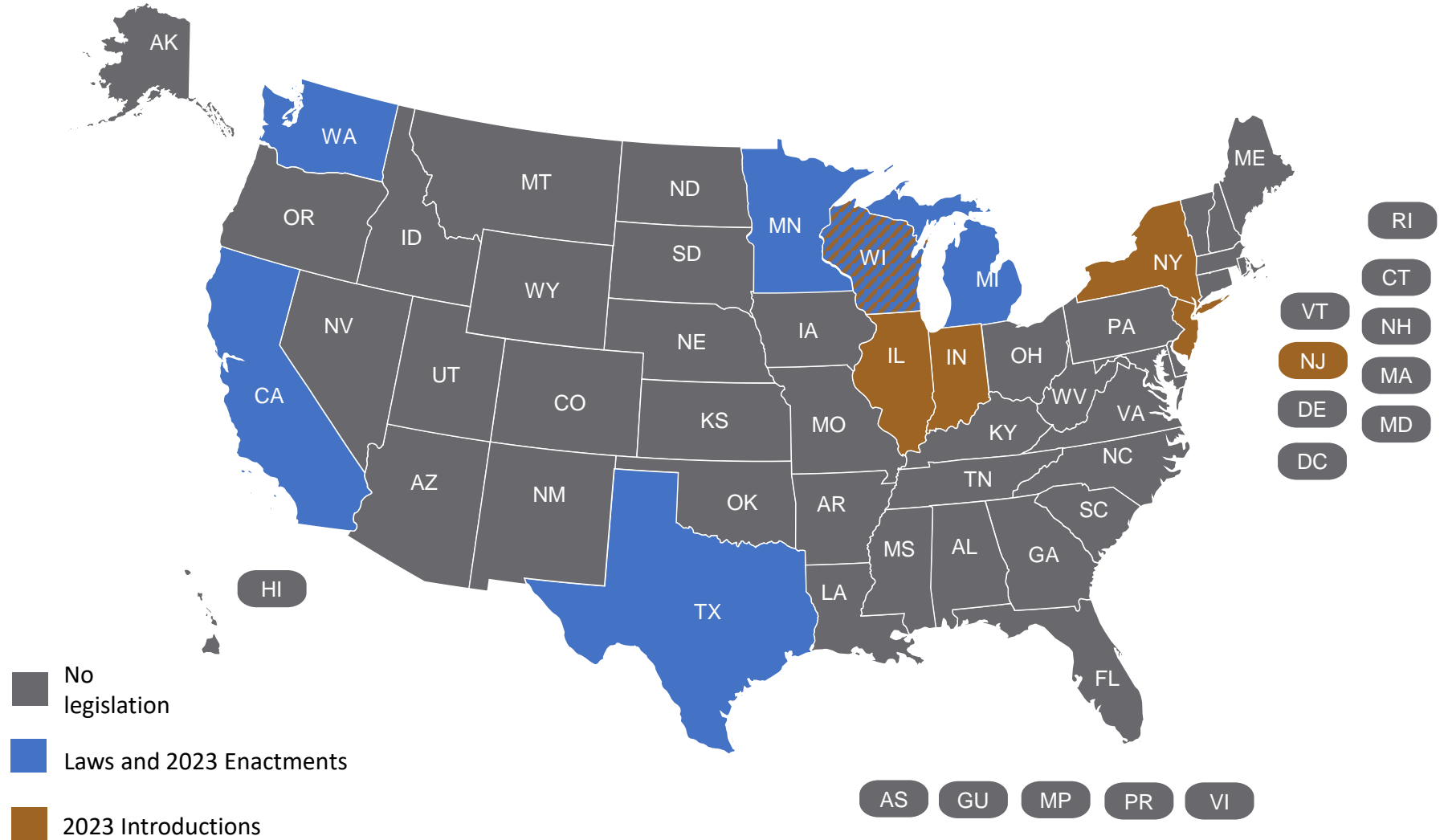
## Prior to 2023

- California, Texas and Wisconsin

2

## 2023 Enactments

- Michigan, Minnesota and Washington



# Right to Publicity

N.Y. Civil Rights Law §50-f

- Applies to deceased performers and deceased personalities.
  - “Deceased Performer” means a deceased natural person domiciled in this state at the time of death who, for gain or livelihood, was regularly engaged in acting, singing, dancing, or playing a musical instrument.
  - “Deceased Personality” means any deceased natural person domiciled in this state at the time of death whose name, voice, signature, photograph, or likeness has commercial value at the time of his or her death, or because of his or her death, whether or not during the lifetime of that natural person the person used his or her name, voice, signature, photograph, or likeness on or in products, merchandise, or goods, or for purposes of advertising or selling, or solicitation of purchase of, products, merchandise, goods, or services.



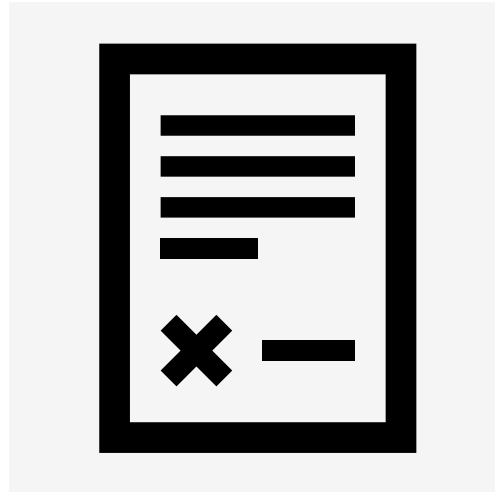
# Federal Deepfakes Legislation

## Deepfakes Generally



H.R. 3106

Preventing Deepfakes of Intimate Images Act



H.R. 5586

DEEPFAKES Accountability Act



H.R. 5808

Preventing Deep Fake Scams Act

# Federal Deepfakes Legislation

## Election Campaigns



### H.R. 4611

- Candidate Voice Fraud Prohibition Act



### S. 2770

- Protect Elections from Deceptive AI Act



# Federal Deepfakes Legislation

## National Security



H.R. 2670 / S.2226

- National Defense Authorization Act for Fiscal Year 2024



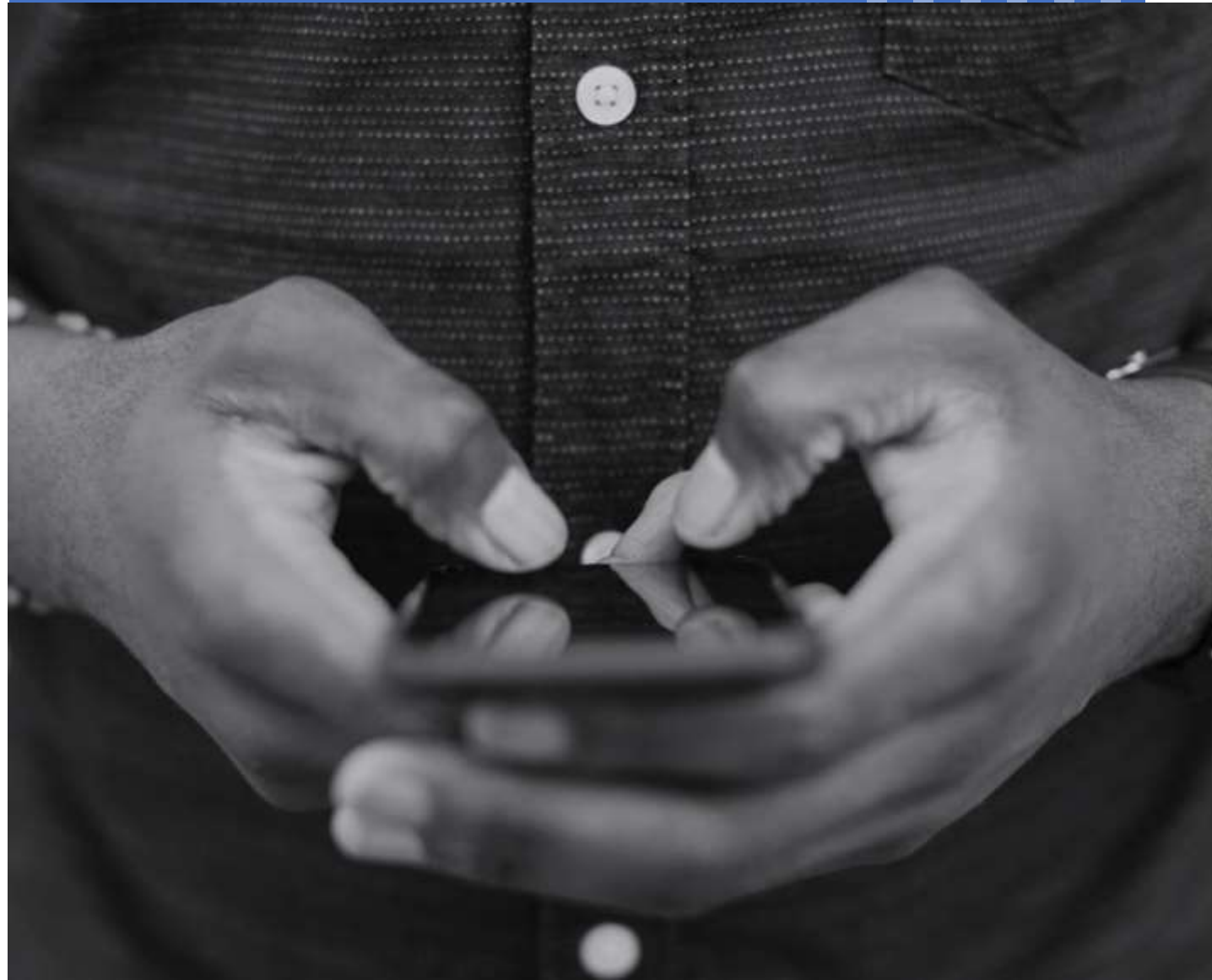
S.2222

- Digital Defense Content Provenance Act of 2023



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## Reach Out Anytime!



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