

STATE OF NEW YORK

8400--A

IN SENATE

January 26, 2024

Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to prohibiting the creation and dissemination of synthetic media within sixty days of an election with intent to unduly influence the outcome of an election

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The election law is amended by adding a new section 17-172
2 to read as follows:

3 § 17-172. Creating synthetic media with intent to unduly influence the
4 outcome of an election. 1. A person who, with intent to injure a candi-
5 date or unduly influence the outcome of an election, creates or causes
6 to be created a fabricated photographic, videographic, or audio record
7 and causes such fabricated photographic, videographic, or audio record
8 to be disseminated or published within sixty days of an election shall
9 be guilty of a class E felony.

10 2. For purposes of this section:

11 (a) "Fabricated photographic, videographic, or audio record" or
12 "synthetic media" shall mean a still image, video or audio recording
13 that:

14 (i) exhibits a high level of authenticity or convincing appearance
15 that is visually or audibly indistinguishable from reality;

16 (ii) is either manipulated or entirely artificial, including but not
17 limited to, manipulation through means of advanced synthetic media tech-
18 nologies that utilize artificial intelligence, such as deepfakes, gener-
19 ative pre-trained transformers, and stable diffusion; and

20 (iii) depicts a scenario that did not actually occur or that has been
21 altered in a significant way from how they actually occurred.

22 (b) "Disseminate" and "publish" shall have the same meanings as
23 defined in section 250.40 of the penal law.

24 3. This section shall not apply to the following:

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (a) dissemination or publication of synthetic media that was created
2 for the purpose of political or social commentary, parody, or artistic
3 expression that is not disseminated or published with the intent to
4 misrepresent its authenticity;

5 (b) dissemination or publication of synthetic media that was created
6 for the purpose of news reporting where the synthetic media is not
7 disseminated or published with the intent to misrepresent its authentic-
8 ity;

9 (c) dissemination or publication of synthetic media depicting a person
10 or persons where the person who created the synthetic media received
11 consent from all persons depicted;

12 (d) dissemination or publication of a fabricated record where the
13 person reasonably believes that the dissemination or publication of the
14 record is necessary to protect themselves from serious bodily injury or
15 death; or

16 (e) initial dissemination or publication of synthetic media by the
17 platform or service, provided that the synthetic media was not created
18 by an individual who is directly affiliated with such platform or
19 service.

20 § 2. This act shall take effect on the thirtieth day after it shall
21 have become a law.