

STATE OF NEW YORK

9181

IN ASSEMBLY

February 12, 2024

Introduced by M. of A. BLUMENCRANZ -- read once and referred to the Committee on Science and Technology

AN ACT to amend the general business law, in relation to requiring social media platforms to promptly remove unlawful publications of intimate images, including those created by digitization or generative artificial intelligence; and to amend the penal law, in relation to increasing criminal penalties for unlawful dissemination or publication of intimate images created by digitization and of sexually explicit depictions of an individual

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Swift Act".

3 § 2. The general business law is amended by adding a new article 45 to
4 read as follows:

ARTICLE 45

REMOVAL OF UNLAWFUL PUBLICATIONS OF INTIMATE IMAGES ON SOCIAL MEDIA PLATFORMS

Section 1500. Definitions.

9 1501. Requirement of social media platforms to promptly remove
10 unlawful publications of intimate images.

1502. Enforcement.

12 § 1500. Definitions. For the purposes of this article, the following
13 terms shall have the following meanings:

14 1. "Intimate image" shall have the same meaning as defined in subdivi-
15 sion one of section 245.15 of the penal law.

16 2. "Digitization" shall have the same meaning as defined in subdivi-
17 sion two of section 245.15 of the penal law.

18 3. "Generative artificial intelligence" means technology that can
19 generate or substantially modify content, including text, images, audio,
20 video, or multimedia when prompted by a user.

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

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1 4. "Publish" shall have the same meaning as defined in section 250.40
2 of the penal law.

3 5. "Social media platform" means a public or semipublic internet-based
4 service or application that has users in New York and that meets both of
5 the following criteria:

6 (a) A substantial function of the service or application is to connect
7 users in order to allow users to interact socially with each other with-
8 in the service or application. A service or application that provides
9 email or direct messaging services shall not be considered to meet this
10 criterion on the basis of that function alone.

11 (b) The service or application allows users to do all of the follow-
12 ing:

13 (i) construct a public or semipublic profile for purposes of signing
14 into and using the service or application;

15 (ii) populate a list of other users with whom an individual shares a
16 social connection within the system; and

17 (iii) create or post content viewable or audible by other users,
18 including, but not limited to, livestreams, on message boards, in chat
19 rooms, or through a landing page or main feed that presents the user
20 with content generated by other users.

21 § 1501. Requirement of social media platforms to promptly remove
22 unlawful publications of intimate images.

23 1. Following a report to a social media platform that an intimate
24 image, including those created by digitization or generative artificial
25 intelligence, has been unlawfully published on said social media plat-
26 form, the subject report must be promptly investigated for credibility,
27 and if deemed credible, the subject image must be promptly removed by
28 the operator of the social media platform within twenty-four hours of
29 the submission of the report.

30 2. Upon a finding of credibility by the social media platform that a
31 report that an intimate image has been unlawfully published on said
32 social media platform, the report, accompanied with any and all identi-
33 fying information of the publisher of the unlawfully published intimate
34 image, must be reported to the office of the attorney general.

35 § 1502. Enforcement. Whenever it appears to the attorney general, upon
36 report, complaint or otherwise by a social media platform or other
37 person or entity, that any person, within or outside the state, has
38 unlawfully published an intimate image on a social media platform,
39 including an image created by digitization or generative artificial
40 intelligence, the attorney general may bring an action or special
41 proceeding in the name and on behalf of the people of the state of New
42 York to enjoin any violation of this article, to obtain restitution of
43 any monies or property obtained directly or indirectly by any such
44 violation, to obtain disgorgement of any profits or gains obtained
45 directly or indirectly by any such violation, to obtain damages caused
46 directly or indirectly by any such violation, to obtain civil penalties
47 of up to twenty-five thousand dollars per violation, and to obtain any
48 such other and further relief as the court may deem proper including
49 preliminary relief.

50 § 3. The closing paragraph of section 245.15 of the penal law, as
51 added by chapter 109 of the laws of 2019, is amended to read as follows:

52 Unlawful dissemination or publication of an intimate image is a class
53 [~~A misdemeanor~~] E felony.

54 § 4. This act shall take effect immediately.