STATE OF NEW YORK

8400

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

AN ACT to amend the election law, in relation to prohibiting the creation of synthetic media with intent to influence the outcome of an election

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

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

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

2. For purposes of this section:

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

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

(ii) is either manipulated or entirely artificial, including but not limited to, manipulation through means of advanced synthetic media technologies that utilize artificial intelligence, such as deepfakes, generative pre-trained transformers, and stable diffusion; and

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

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

3. This section shall not apply to the following:

(a) dissemination or publication of synthetic media that was created for the purpose of political or social commentary, parody, or artistic

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

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expression that is not disseminated or published with the intent to misrepresent its authenticity;

(b) dissemination or publication of synthetic media that was created for the purpose of news reporting where the synthetic media is not disseminated or published with the intent to misrepresent its authenticity;

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

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

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

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