

STATE OF NEW YORK

1280

2025-2026 Regular Sessions

IN ASSEMBLY

January 9, 2025

Introduced by M. of A. VANEL, HYNDMAN, ZACCARO, SIMON, GLICK -- Multi-Sponsored by -- M. of A. LEVENBERG -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to unlawful dissemination or publication of a fabricated photographic, videographic, or audio record

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

1 Section 1. The penal law is amended by adding a new section 245.20 to
2 read as follows:

3 § 245.20 Unlawful dissemination or publication of a fabricated photo-
4 graphic, videographic, or audio record.

5 1. A person is guilty of unlawful dissemination or publication of a
6 fabricated photographic, videographic, or audio record when, with intent
7 to cause harm to the liberty or emotional, social, financial or physical
8 welfare of an identifiable person or persons, such principal person
9 intentionally creates or causes to be created a fabricated record of
10 such person or persons and disseminates or publishes such record of such
11 person or persons without such person or persons' consent.

12 2. For purposes of this section:

13 (a) "Identifiable" shall mean the ability to discern an individual's
14 identity either through the fabricated record itself or from information
15 displayed in connection with the fabricated record;

16 (b) "Fabricated photographic, videographic, or audio record" or
17 "fabricated record" shall mean a still image, video or audio recording
18 that:

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

21 (ii) is either manipulated or entirely artificial, including but not
22 limited to, manipulation through means of advanced synthetic media tech-

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

LBD04102-01-5

1 nologies that utilize artificial intelligence, such as deepfakes, gener-
2 ative pre-trained transformers and stable diffusion;

3 (iii) depicts a scenario that did not actually occur or that has been
4 altered in a significant way from how it actually occurred; and

5 (c) "Disseminate" and "publish" shall have the same meanings as
6 defined in section 250.40 of this title.

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

8 (a) Dissemination or publication of a fabricated record by a person
9 who did not create the fabricated record, whether or not such person is
10 aware of the authenticity of the record;

11 (b) Dissemination or publication of a fabricated record that was
12 created during the lawful and common practices of law enforcement, legal
13 proceedings or medical treatment where the record is not disseminated or
14 published with the intent to misrepresent its authenticity;

15 (c) Dissemination or publication of a fabricated record that was
16 created for the purpose of political or social commentary, parody,
17 satire, or artistic expression that is not disseminated or published
18 with the intent to misrepresent its authenticity;

19 (d) Dissemination or publication of a fabricated record that was
20 created for the purpose of news reporting where the record is not
21 disseminated or published with the intent to misrepresent its authentic-
22 ity;

23 (e) Dissemination or publication of a fabricated record that was
24 created where the person reasonably believes that the dissemination or
25 publication of the record is necessary to protect themselves from seri-
26 ous bodily injury or death;

27 (f) Dissemination or publication of a fabricated record that was
28 created for the purpose of historical reenactment or preservation,
29 digital restoration or preservation of cultural heritage where the
30 record is not disseminated or published with the intent to misrepresent
31 its authenticity;

32 (g) Dissemination or publication of a fabricated record that was
33 created for the purpose of training or education, provided however that
34 such training or education shall not include the training or education
35 of a person or persons to engage in unlawful activities;

36 (h) Dissemination or publication of a fabricated record that was
37 created for the purpose of memorializing a deceased person;

38 (i) Dissemination or publication of a fabricated record that was
39 created for the purpose of lawful scientific, academic, or technological
40 research or development where the record is not disseminated or
41 published with the intent to misrepresent its authenticity; and

42 (j) Initial dissemination or publication of a fabricated record by the
43 platform or service, provided that the fabricated record was not created
44 by an individual who is directly affiliated with the platform or
45 service.

46 4. Nothing in this section shall be construed to limit, or to enlarge,
47 the protections that 47 U.S.C § 230 confers on an interactive computer
48 service for content provided by another information content provider, as
49 such terms are defined in 47 U.S.C. § 230.

50 Unlawful dissemination or publication of a fabricated photographic,
51 videographic, or audio record is a class E felony.

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