STATE OF NEW YORK

3990--A

2025-2026 Regular Sessions

IN SENATE

January 31, 2025

Introduced by Sens. PARKER, PERSAUD, SEPULVEDA, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law and the civil rights law, in relation to establishing the offense of false pretense

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

Section 1. Short title. This act shall be known and may be cited as the "Barakett digital safety act".

§ 2. The penal law is amended by adding a new section 190.22 to read as follows:

§ 190.22 False pretense.

1. A person is guilty of false pretense, when such person knowingly and without consent impersonates another person through or on an internet website, digital platform, or by using artificial intelligence technologies, including deepfakes or synthetic media, or by other electronic means for the purposes of harming, intimidating, threatening or defrauding such other person.

2. For the purposes of this section:

(a) An impersonation is credible if another person would reasonably believe or did reasonably believe that the defendant was or is the person who was impersonated.

(b) "Electronic means" shall include the accessing of an e-mail account, or an account or profile on a social networking internet website in another person's name.

(c) "Impersonates" includes the use of artificial intelligence systems, generative models, deepfake technology, synthetic audio or video, or any automated digital system that simulates or reproduces

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

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another person's likeness, voice, image, or identity without their consent.

False pretense is a class A misdemeanor; provided, however, where: (a) the impersonation results in financial loss exceeding one thousand dollars;(b) the impersonation includes a credible threat of physical harm; or (c) the impersonation is committed through artificial intelligence technology, deepfakes, or synthetic media for the purpose of fraud, extortion, or substantial reputational, professional, or economic harm, false pretense is a class D felony.

§ 3. The civil rights law is amended by adding a new section 79-r to read as follows:

§ 79-r. Civil remedies for false pretense. Any person aggrieved by a violation of section 190.22 of the penal law may commence a civil action in a court of competent jurisdiction. In any action brought pursuant to this section, the court may:

1. award actual damages, compensatory damages, or statutory damages;

2. order restitution to be paid to the victim;

3. impose a civil penalty not to exceed fifty thousand dollars where the violation involves artificial intelligence, deepfake technology, synthetic media, or other digital impersonation technologies used to cause harm, intimidation, threats, or fraud;

4. order the removal, deletion, de-indexing, or cessation of distribution of impersonation content from digital platforms or online sources to the extent practicable;

5. issue temporary, preliminary, or permanent injunctive relief to prevent further distribution of impersonation content; and

6. upon a second or subsequent adjudicated violation, restrict or prohibit the defendant from using digital impersonation technologies or software capable of synthetic identity replication for a period not to exceed three years, subject to terms deemed appropriate by the court.

§ 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.