STATE OF NEW YORK

10676

IN SENATE

August 10, 2026

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the general business law, in relation to prohibiting nudification technology; and to amend the state finance law, in relation to establishing the nudification prohibition recoveries services fund

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

Section 1. The general business law is amended by adding a new article 44-C to read as follows:

ARTICLE 44-C
NUDIFICATION TECHNOLOGY

Section 1430. Definitions.
1431. Prohibition on nudification technology.
1432. Remedies.
1433. Scope.

§ 1430. Definitions. For purposes of this article the following terms shall have the following meanings:

1. "Identifiable individual" shall mean a person who may reasonably be identified from a still or video image or from information displayed in connection with a still or video image;

2. "Intimate part" shall have the same meaning as in paragraph (a) of subdivision two of section 245.15 of the penal law;

3. "Nudify" or "nudified" means the process by which:

(a) a still or video image is generated or altered to depict an intimate part not depicted in an original unaltered still or video image of an identifiable individual; and

(b) such generated or altered still or video image is sufficiently realistic that a reasonable person would believe the intimate part belongs to the identifiable individual.

4. "Technical skill" means substantial application of individualized technological or artistic skill and judgment by a human creator in directing, shaping, or controlling an output.

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

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5. "Operator" means a person, business or other legal entity that owns, controls, or operates a website, application, software, program, or service that can nudify a still or video image.

6. "User" shall mean a user of a website, application, software, program, or service that can nudify a still or video image not acting as an operator, or agent or affiliate of such operator, of such website, application, software, program or service or any portion thereof.

§ 1431. Prohibition on nudification technology. 1. No operator shall:

(a) Allow a user to access, download, or use such operator's website, application, software, program or service to nudify a still or video image; or

(b) Nudify a still or video image on behalf of a user.

2. No person shall advertise or promote any website, application, software, program, or service that performs the actions described in subdivision one of this section.

3. The prohibitions of subdivisions one and two of this section shall not apply when the website, application, software, program, or service requires the technical skill of a user to nudify an image or video.

§ 1432. Remedies. 1. An individual depicted in a still or video image that has been nudified in violation of section fourteen hundred thirty-one of this article may bring a civil action against the person or operator who violated such section for:

(a) compensatory damages, including mental anguish or suffering, in an amount up to three times the actual damages sustained;

(b) punitive damages;

(c) injunctive relief;

(d) reasonable attorneys' fees, costs, and disbursements; and

(e) such other relief the court deems just and equitable.

2. In addition to any other remedies or penalties, a person or operator who violates section fourteen hundred thirty-one of this article shall be subject to a civil penalty not to exceed five hundred thousand dollars for each unlawful access, download, or use of still or video images generated or altered in violation of section fourteen hundred thirty-one of this article.

3. Whenever it appears to the attorney general, upon complaint or otherwise, that any person has violated the provisions of this article, the attorney general may bring an action or special proceeding in the name and on behalf of the people of the state of New York to enjoin any such violation, to obtain restitution of any moneys or property obtained directly or indirectly by any such violation, to obtain disgorgement of any profits or gains obtained directly or indirectly by any such violation, to obtain damages caused directly or indirectly by any such violation, to obtain civil penalties of up to five hundred thousand dollars for each unlawful access, download, or use of still or video images generated or altered in violation of section fourteen hundred thirty-one of this article, and to obtain any such other and further relief as the court may deem proper, including preliminary relief.

4. Any civil penalty recovered by the state pursuant to this article shall be deposited into the nudification prohibition recoveries services fund established pursuant to section 99-uu of the state finance law to be used for the purposes therein.

§ 1433. Scope. Nothing in this section shall be construed to limit, or to enlarge, the protections that 47 U.S.C § 230 confers on an interactive computer service for content provided by another information content provider, as such terms are defined in 47 U.S.C. § 230.

§ 2. The state finance law is amended by adding a new section 99-uu to read as follows:

§ 99-uu. Nudification prohibition recoveries services fund. 1. There is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance a fund to be known as the "nudification prohibition recoveries services fund".

2. Moneys allocated to the nudification prohibition recoveries services fund shall be kept separate and shall not be commingled with any other funds in the custody of the state comptroller.

3. Such fund shall consist of all fines and civil penalties imposed pursuant to section fourteen hundred thirty-two of the general business law and all other moneys appropriated, credited, or transferred thereto from any other fund or source pursuant to law. Nothing contained in this section shall prevent the state from receiving grants, gifts or bequests for the purposes of the fund as defined in this section and depositing them into the fund according to law. Any interest received by the comptroller on moneys on deposit in such fund shall be retained in and become part of such fund.

4. Moneys of the fund shall be expended only to provide grants to support the direct needs of victims of sexual assault, domestic violence, and child abuse. Such grants may provide:

(a) Direct assistance to victims of sexual assault, domestic violence, or child abuse;

(b) Services including housing, mental and behavioral health support, or other supportive services;

(c) Prevention and awareness programming; and

(d) Support for direct service workers assisting victims of sexual assault, domestic violence, or child abuse.

5. Moneys shall be payable from the fund on the audit and warrant of the state comptroller on vouchers approved and certified by the director of the office of victim services, the executive director of the New York state office for the prevention of domestic violence, or the commissioner of criminal justice services.

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