HOUSE DOCKET, NO. 1503 FILED ON: 2/9/2021

HOUSE . . . . . No. 1755

The Commonwealth of Massachusetts

PRESENTED BY:

Jay D. Livingstone

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to protect against deep fakes used to facilitate criminal or torturous conduct.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Jay D. Livingstone	*8th Suffolk*	*2/9/2021*
Tommy Vitolo	*15th Norfolk*	*8/1/2021*
Adam J. Scanlon	*14th Bristol*	*8/1/2021*

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HOUSE . . . . . No. 1755

By Mr. Livingstone of Boston, a petition (accompanied by bill, House, No. 1755) of Jay D. Livingstone relative to the use of certain audiovisual records that have been created or altered to facilitate criminal or torturous conduct. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *3366* OF 2019-2020.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act to protect against deep fakes used to facilitate criminal or torturous conduct.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 266 of the General Laws is hereby amended by inserting after section 37E the following section:-

Section 37E 1/2. (a)As used in this section, the following words shall have the following meaning unless the context clearly requires otherwise:

"Audiovisual record," any audio or visual media in an electronic format and includes any photograph, motion-picture film, video recording, electronic image, or sound recording.

"Deep fake", an audiovisual record created or altered in a manner that the record would falsely appear to a reasonable observer to be an authentic record of the actual speech or conduct of an individual.

(b) Whoever (1), creates, with the intent to distribute, a deep fake and with the intent that the distribution of the deep fake would facilitate criminal or tortious conduct, or (2) distributes an audiovisual record with actual knowledge that the audiovisual record is a deep fake and with the intent that the distribution of the audiovisual record would facilitate criminal or tortious conduct shall be guilty of the crime of identity fraud and shall be punished by a fine of not more than $5,000 or imprisonment in a house of correction for not more than two and one-half years, or by both such fine and imprisonment. No person shall be held liable under this section for any activity protected by the Massachusetts Constitution or by the First Amendment to the Constitution of the United States.