

HOUSE No. 4406

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 22, 2024.

The committee on Advanced Information Technology, the Internet and Cybersecurity, to whom was referred the petition (accompanied by bill, House, No. 72) of Jay D. Livingstone for legislation to establish a Massachusetts state deepfake and digital provenance task force (including members of the General Court) to protect against deep fakes used to facilitate criminal or torturous conduct, reports recommending that the accompanying bill (House, No. 4406) ought to pass.

For the committee,

TRICIA FARLEY-BOUVIER.

HOUSE No. 4406

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act establishing a task force on the use of deepfake and digital content forgery.

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

1 SECTION 1.

2 (a) Definitions — The following definitions shall apply to this measure:

3 (1) “Election deepfake”, a deepfake that depicts a candidate, ballot question committee or
4 political party with the intent to injure the reputation of the candidate or party or otherwise
5 deceive a voter and that: (i) appears to a reasonable person to depict a real individual saying or
6 doing something that individual did not say or do; or (ii) provides a reasonable person a
7 fundamentally different understanding or impression of the appearance, action or speech than a
8 reasonable person would have from an unaltered, original version of the image, audio recording
9 or video recording.m

10 (2) “Deepfake” means an image, audio recording, or video recording of an individual’s
11 appearance, speech or conduct that has been created or intentionally manipulated with the use of
12 generative adversarial network techniques or other digital technology in a manner to create a
13 realistic but false image, audio or video.

14 (3) “Digital Content Provenance” means the verifiable chronology of the original piece of
15 digital content, such as an image, video, audio recording, or electronic document.

16 (4) “Digital Content Forgery” means the use of technologies, including artificial
17 intelligence and machine learning techniques, to fabricate or manipulate audio, visual, or text
18 content with the intent to mislead.

19 (5) “Task Force” means the Massachusetts State Deepfake and Digital Provenance Task
20 Force established in Section 2.

21

22 SECTION 2.

23 (a) There is hereby established a “Massachusetts State Deepfake and Digital Provenance
24 Task Force” on or before July 1, 2024, to evaluate all of the following:

25 (1) The proliferation of deepfakes impacting state and local government, Massachusetts-
26 based businesses, and residents.

27 (2) The risks, including privacy risks, associated with the deployment of digital content
28 forgery technologies and deepfakes on Massachusetts state and local government, Massachusetts
29 businesses, and Massachusetts residents.

30 (3) The impact of digital content forgery technologies and deepfakes on civic
31 engagement, including the use of deepfakes to influence or deceive a voter.

32 (4) The legal implications associated with the use of digital content forgery technologies
33 and deepfakes.

34 (5) The best practices for preventing digital content forgery and deepfake technology to
35 benefit the Commonwealth of Massachusetts, local government, Massachusetts-based
36 businesses, and Massachusetts residents.

37 (b) The Task Force shall consist of 11 members: 2 of whom shall be the chairs of the
38 joint committee on advanced information technology the internet and cybersecurity, who shall
39 serve as co-chairs; 1 of whom appointed by the Speaker of the House of representatives; 1 of
40 whom shall be appointed by the President of the Senate; 1 of whom shall be the secretary of the
41 executive office of technology services and security, or a designee; 1 of whom shall be the
42 attorney general or a designee; 1 of whom shall be the executive director of the ACLU of
43 Massachusetts or a designee; and 4 members appointed by the governor; provided

44 (1). Three of whom shall be from private industry, with at least two having a
45 technical focus that includes digital content forgery, media manipulation, or related
46 subjects.

47 (2). One of whom shall, in consultation with the Attorney General have a background in
48 law.

49 (c) The deepfake task force shall take input from a broad range of stakeholders with a
50 diverse range of interests affected by state policies governing emerging technologies, privacy,
51 business, the courts, the legal community, and state and local government.

52 (d) The Deepfake and Digital Provenance Task Force shall develop a coordinated plan to-

53 (1) Reduce the negative impacts of digital content forgeries and deepfakes, including by
54 exploring how the adoption of a digital content provenance standard could assist with reducing
55 the proliferation of digital content forgeries and deepfakes;

56 (2) Investigate the feasibility of, and obstacles to, Massachusetts state departments
57 adopting standards and technologies for determining digital content provenance;

58 (3) Investigate the feasibility of conducting a public, consumer education campaign to
59 Increase the ability of internet companies, journalists, watchdog organizations, other relevant
60 entities, and members of the public to meaningfully scrutinize and identify digital content
61 forgeries and relay trust and information about digital content provenance to content consumers;

62 (4) Develop or identify mechanisms for content creators to do the following:

63 (i) Cryptographically certify the authenticity of original media and non-deceptive
64 manipulations; and

65 (ii) Enable the public to validate the authenticity of original media and non-deceptive
66 manipulations to establish content provenance.

67 (5) Evaluate appropriate constitutional considerations.

68 (e) On or before January 1, 2025, the “Deepfake and Digital Provenance Task Force”
69 shall deliver a report to the Legislature regarding the potential uses and risks of deepfake
70 technology in Massachusetts. The report shall be filed with the House and Senate clerks' office;
71 and the Senate and House Committees on ways and means.

72 The working group’s report shall include:

73 (1) recommendations for modifications to the definition of digital content forgery and
74 deepfakes;

75 (2) recommendations for the development and implementation of policies and procedures
76 regarding the use of deepfake and digital content forgery technology;

77 (3) recommendations related to prohibitions and disclaimers on the use of election
78 deepfakes and digital content forgery technology as it relates to deceptive or fraudulent
79 depictions, in advance of an election, of a candidate, ballot question committee or political party;
80 provided such recommendations shall include exemptions for news reporting on the deceptive or
81 fraudulent depiction;

82 (4) recommendations for regulatory or legislative action, if any, including but not limited
83 to, recommendations for amendments to existing statutes and regulations that may require
84 updates in light of the proliferation of digital content forgery technologies and deepfakes.

85 (f) The members of the working group shall serve without compensation but shall be
86 reimbursed for all necessary expenses actually incurred in the performance of their duties.

87 (g) Upon the submission of the report, the Task Force shall sunset.

88

89

90

91