

House Engrossed Senate Bill

~~deep fake recordings or images~~
(now: deepfake recordings or images)

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SENATE BILL 1336

AN ACT

AMENDING TITLE 13, CHAPTER 35, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3508; RELATING TO OBSCENITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 13, chapter 35, Arizona Revised Statutes, is
3 amended by adding section 13-3508, to read:

4 13-3508. Unlawful dissemination of deepfake recordings or
5 images depicting intimate parts or sexual acts;
6 classification; definitions

7 A. IT IS UNLAWFUL TO INTENTIONALLY DISSEMINATE A DEEPPAKE RECORDING
8 OR IMAGE IF ALL OF THE FOLLOWING APPLY:

9 1. THE PERSON THAT INTENTIONALLY CREATES AND DISSEMINATES THE
10 DEEPPAKE RECORDING OR IMAGE KNOWS OR REASONABLY SHOULD KNOW THAT THE
11 DEPICTED INDIVIDUAL DOES NOT CONSENT TO THE DISSEMINATION.

12 2. THE DEEPPAKE RECORDING OR IMAGE REALISTICALLY DEPICTS ANY OF THE
13 FOLLOWING:

14 (a) THE INTIMATE PARTS OF ANOTHER INDIVIDUAL THAT ARE PRESENTED AS
15 THE INTIMATE PARTS OF THE DEPICTED INDIVIDUAL.

16 (b) INTIMATE PARTS THAT ARE GENERATED BY SYNTHETIC MEDIA AND THAT
17 ARE PRESENTED AS THE INTIMATE PARTS OF THE DEPICTED INDIVIDUAL.

18 (c) THE DEPICTED INDIVIDUAL ENGAGING IN A SEXUAL ACT.

19 3. THE DEPICTED INDIVIDUAL IS IDENTIFIABLE IN ONE OF THE FOLLOWING
20 WAYS:

21 (a) FROM THE DEEPPAKE RECORDING OR IMAGE ITSELF.

22 (b) BY THE DEPICTED INDIVIDUAL.

23 (c) FROM THE PERSONAL INFORMATION THAT IS DISPLAYED IN CONNECTION
24 WITH THE DEEPPAKE RECORDING OR IMAGE.

25 B. A VIOLATION OF THIS SECTION IS A CLASS 6 FELONY, EXCEPT THAT IT
26 IS A CLASS 4 FELONY IF ANY OF THE FOLLOWING APPLIES:

27 1. THE DEPICTED PERSON SUFFERS ANY FINANCIAL LOSS DUE TO THE
28 INTENTIONAL DISSEMINATION OF THE DEEPPAKE RECORDING OR IMAGE.

29 2. THE PERSON DISSEMINATES THE DEEPPAKE RECORDING OR IMAGE WITH THE
30 INTENT TO PROFIT FROM THE DISSEMINATION.

31 3. THE PERSON MAINTAINS AN INTERNET WEBSITE, ONLINE SERVICE, ONLINE
32 APPLICATION OR MOBILE APPLICATION TO DISSEMINATE THE DEEPPAKE RECORDING OR
33 IMAGE.

34 4. THE PERSON POSTS THE DEEPPAKE RECORDING OR IMAGE ON AN INTERNET
35 WEBSITE.

36 5. THE PERSON DISSEMINATES THE DEEPPAKE RECORDING OR IMAGE WITH
37 INTENT TO HARASS THE DEPICTED PERSON.

38 6. THE PERSON OBTAINS THE DEEPPAKE RECORDING OR IMAGE BY COMMITTING
39 A THEFT, A CRIMINAL TRESPASS OR COMPUTER TAMPERING OR UNAUTHORIZED
40 COMPUTER ACCESS.

41 7. THE PERSON HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF THIS
42 SECTION.

1 C. AN INTERACTIVE COMPUTER SERVICE IS NOT LIABLE FOR A VIOLATION OF
2 THIS SECTION FOR CONTENT THAT IS CREATED OR DEVELOPED BY ANOTHER PERSON OR
3 ENTITY, IN WHOLE OR IN PART, AND THAT IS PROVIDED THROUGH THE INTERNET OR
4 ANY OTHER INTERACTIVE COMPUTER SERVICE.

5 D. FOR THE PURPOSES OF THIS SECTION:

6 1. "DEEPPFAKE RECORDING OR IMAGE" MEANS ANY VIDEO RECORDING, MOTION
7 PICTURE FILM, SOUND RECORDING, ELECTRONIC IMAGE OR PHOTOGRAPH OR ANY
8 TECHNOLOGICAL REPRESENTATION OF SPEECH OR CONDUCT SUBSTANTIALLY DERIVATIVE
9 THEREOF AND THAT BOTH:

10 (a) APPEARS TO AUTHENTICALLY DEPICT ANY SPEECH OR CONDUCT OF AN
11 INDIVIDUAL WHO DID NOT IN FACT ENGAGE IN THE SPEECH OR CONDUCT.

12 (b) THE PRODUCTION OF WHICH WAS SUBSTANTIALLY DEPENDENT ON
13 TECHNICAL MEANS RATHER THAN THE ABILITY OF ANOTHER INDIVIDUAL TO
14 PHYSICALLY OR VERBALLY IMPERSONATE THE INDIVIDUAL.

15 2. "DEPICTED INDIVIDUAL" MEANS AN INDIVIDUAL IN A DEEPPFAKE
16 RECORDING OR IMAGE WHO APPEARS TO BE ENGAGING IN SPEECH OR CONDUCT THAT
17 THE INDIVIDUAL DID NOT ENGAGE IN.

18 3. "DISSEMINATION" MEANS DISTRIBUTION TO ONE OR MORE PERSONS, OTHER
19 THAN THE PERSON DEPICTED IN THE DEEPPFAKE RECORDING OR IMAGE OR PUBLICATION
20 BY ANY PUBLICLY AVAILABLE MEDIUM.

21 4. "HARASS" MEANS AN ACT THAT WOULD CAUSE A SUBSTANTIAL ADVERSE
22 EFFECT ON THE SAFETY, SECURITY OR PRIVACY OF A REASONABLE PERSON.

23 5. "INTIMATE PARTS" MEANS THE GENITALS, PUBIC AREA OR ANUS OF AN
24 INDIVIDUAL, OR IF THE INDIVIDUAL IS FEMALE, A PARTIALLY OR FULLY EXPOSED
25 NIPPLE.

26 6. "PERSONAL INFORMATION" MEANS ANY IDENTIFIER THAT PERMITS
27 COMMUNICATION OR IN-PERSON CONTACT WITH A PERSON, INCLUDING ANY OF THE
28 FOLLOWING:

29 (a) A PERSON'S FIRST AND LAST NAMES, FIRST INITIAL AND LAST NAME,
30 FIRST NAME AND LAST INITIAL OR NICKNAME.

31 (b) A PERSON'S HOME, SCHOOL OR WORK ADDRESS.

32 (c) A PERSON'S TELEPHONE NUMBER, EMAIL ADDRESS OR SOCIAL MEDIA
33 ACCOUNT INFORMATION.

34 (d) A PERSON'S GEOLOCATION DATA.

35 7. "SEXUAL ACT" MEANS EITHER SEXUAL CONTACT OR SEXUAL PENETRATION.

36 8. "SEXUAL CONTACT" MEANS THE INTENTIONAL TOUCHING OF INTIMATE
37 PARTS OR INTENTIONAL TOUCHING WITH SEMINAL FLUID OR SPERM ONTO ANOTHER
38 INDIVIDUAL'S BODY.

39 9. "SEXUAL PENETRATION" MEANS EITHER OF THE FOLLOWING ACTS:

40 (a) SEXUAL INTERCOURSE, CUNNILINGUS, FELLATIO OR ANAL INTERCOURSE.

41 (b) ANY INTRUSION, HOWEVER SLIGHT, INTO THE GENITAL OR ANAL OPENING
42 OF AN INDIVIDUAL BY ANOTHER'S BODY PART OR AN OBJECT USED BY ANOTHER FOR
43 THIS PURPOSE.

1 10. "SOCIAL MEDIA" MEANS ANY ELECTRONIC MEDIUM, INCLUDING AN
2 INTERACTIVE COMPUTER SERVICE, TELEPHONE NETWORK OR DATA NETWORK, THAT
3 ALLOWS USERS TO CREATE, SHARE AND VIEW USER-GENERATED CONTENT.

4 11. "SYNTHETIC MEDIA" MEANS AN IMAGE, AUDIO RECORDING OR VIDEO
5 RECORDING OF AN INDIVIDUAL'S APPEARANCE, SPEECH OR CONDUCT THAT HAS BEEN
6 CREATED OR INTENTIONALLY MANIPULATED WITH THE USE OF DIGITAL TECHNOLOGY IN
7 A MANNER TO CREATE A REALISTIC BUT FALSE IMAGE, AUDIO OR VIDEO.