

Senate Engrossed

deep fake 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 deep fake recordings or
5 images depicting intimate parts or sexual acts;
6 classification; definitions

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

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

12 2. THE DEEP FAKE RECORDING OR IMAGE REALISTICALLY DEPICTS ANY OF
13 THE 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 DEEP FAKE RECORDING OR IMAGE ITSELF.

22 (b) BY THE DEPICTED INDIVIDUAL.

23 (c) FROM THE PERSONAL INFORMATION THAT IS DISPLAYED IN CONNECTION
24 WITH THE DEEP FAKE 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 DISSEMINATION OF THE DEEP FAKE RECORDING OR IMAGE.

29 2. THE PERSON DISSEMINATES THE DEEP FAKE RECORDING OR IMAGE WITH
30 THE 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 DEEP FAKE RECORDING
33 OR IMAGE.

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

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

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

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

43 C. AN INTERACTIVE COMPUTER SERVICE IS NOT LIABLE FOR A VIOLATION OF
44 THIS SECTION FOR CONTENT THAT IS CREATED OR DEVELOPED BY ANOTHER PERSON OR

1 ENTITY, IN WHOLE OR IN PART, AND THAT IS PROVIDED THROUGH THE INTERNET OR
2 ANY OTHER INTERACTIVE COMPUTER SERVICE.

3 D. FOR THE PURPOSES OF THIS SECTION:

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

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

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

13 2. "DEPICTED INDIVIDUAL" MEANS AN INDIVIDUAL IN A DEEP FAKE
14 RECORDING OR IMAGE WHO APPEARS TO BE ENGAGING IN SPEECH OR CONDUCT THAT
15 THE INDIVIDUAL DID NOT ENGAGE IN.

16 3. "DISSEMINATION" MEANS DISTRIBUTION TO ONE OR MORE PERSONS, OTHER
17 THAN THE PERSON DEPICTED IN THE DEEP FAKE RECORDING OR IMAGE OR
18 PUBLICATION BY ANY PUBLICLY AVAILABLE MEDIUM.

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

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

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

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

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

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

32 (d) A PERSON'S GEOLOCATION DATA.

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

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

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

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

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

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