



SB 1216 (Gonzalez) Deepfakes: Coordinated State Plan

SUMMARY

Senate Bill (SB) 1216 will require the Secretary of the Government Operations Agency (GovOps) to study the risks, impacts, and legal implications of digital deepfakes and the broader issues of digital content provenance.

EXISTING LAW

Assembly Bill (AB) 2658 (Calderon, Chapter 875, Statutes of 2018) established a blockchain working group, under the GovOps and tasked it with evaluating the uses of blockchain in California including studying the benefits, risks, privacy concerns, and legal implications associated with the adoption of blockchain technology.

AB 730 (Berman, Chapter 493, Statutes of 2019) addressed the influence of deepfakes on elections by prohibiting the distribution of deceptive audio or visual media that was designed to injure a candidate's reputation or deceive a voter, unless the deceptive media includes a disclosure that it has been manipulated.

Senate Bill 2559, introduced in the United States Senate in 2021 by Senator Robert Portman of Ohio, seeks to establish the National Deepfake and Digital Provenance Task Force, and charge it with investigating the feasibility of developing standards and technologies for determining digital content provenance and propose policy changes to reduce the proliferation and impact of digital deepfakes.

BACKGROUND/PROBLEM

Deepfakes are a type of digital content forgery which use new and emerging technologies like artificial intelligence to create or manipulate audio, visual, or text content with the intent to mislead the viewer. These deceptive life-like videos and recordings can realistically and effectively

make it appear as though an individual said or did something that never actually took place.

This type of manufactured media can have entertaining and innocent uses such as the viral TikTok account "deptomcruise" where more than 3 million followers watch convincing fabricated videos of the actor; or more nefarious uses like the dissemination of forged sexually explicit material, or videos of influential political leaders that incite political violence.

The potential of these digital forgeries is far reaching and will have implications for national security, influence on elections, and even how journalists and media sources verify the provenance of videos before they report them as factual news.

This new frontier of technology has created a number of ethical, legal, and policy questions that are not easily answered. While a number of recently passed laws have begun to tackle some of the more immediate policy questions that this new technology presents, there are still numerous unknown and complex implications for privacy rights, governmental communication, media accuracy, copyright infringement, and other legal repercussions that can't be easily addressed without thoughtful dialogue amongst informed stakeholders.

SOLUTION

SB 1216 takes the first step in addressing the numerous and complex issues associated with deepfake digital content by tasking the Secretary of GovOps with studying and engaging expert stakeholders to research, discuss, and report on these novel issues and how California can confront them in real time. This bill will explore best practices being used to reduce digital content forgeries, identify mechanisms to certify the authenticity of original

content, and evaluate the impact of deepfakes throughout the state.

Specifically, SB 1216 charges the Secretary of GovOps with evaluating risks, privacy impacts, and legal implications of the proliferation of deepfakes and developing a coordinated plan for the public, industry, and government to jointly address these threats.

Finally, SB 1216 requires the Secretary of GovOps by October 1, 2024 to report to the Legislature on the potential uses, risks, and future hurdles that deepfake technology will present state government agencies and the public.

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CONTACT

Trevor Taylor, Legislative Director
(916) 651-4033
Trevor.Taylor@sen.ca.gov

