



House of Representatives

General Assembly

File No. 415

February Session, 2024

Substitute House Bill No. 5450

House of Representatives, April 10, 2024

The Committee on Government Administration and Elections reported through REP. BLUMENTHAL of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING ARTIFICIAL INTELLIGENCE, DECEPTIVE SYNTHETIC MEDIA AND ELECTIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective July 1, 2024*) (a) As used in this section:
- 2 (1) "Artificial intelligence" means a machine-based system that (A)
- 3 can, for a given set of human-defined objectives, make predictions,
- 4 recommendations or decisions influencing real or virtual environments,
- 5 and (B) uses machine and human-based inputs to (i) perceive real and
- 6 virtual environments, (ii) abstract such perceptions into models through
- 7 analysis in an automated manner, and (iii) formulate options for
- 8 information or action through model inference;
- 9 (2) "Candidate" means any individual who seeks nomination for
- 10 election, or election, to public office whether or not such individual is
- 11 elected;
- 12 (3) "Deceptive synthetic media" means any image, audio or video of

13 an individual, and any representation of such individual's appearance,
14 speech or conduct that is substantially derived from any such image,
15 audio or video, which (A) a reasonable person would believe depicts the
16 appearance, speech or conduct of such individual when such individual
17 did not in fact appear as depicted or engage in such speech or conduct,
18 and (B) was generated, in whole or in part, through the use of artificial
19 intelligence or other means;

20 (4) "Election" has the same meaning as provided in section 9-1 of the
21 general statutes;

22 (5) "Individual" means a human being;

23 (6) "Person" has the same meaning as provided in section 9-601 of the
24 general statutes; and

25 (7) "Primary" has the same meaning as provided in section 9-372 of
26 the general statutes.

27 (b) Except as provided in subsection (c) of this section, no person shall
28 distribute, or enter into any agreement to distribute, a communication
29 containing any image, audio or video of an individual during the
30 ninety-day period preceding any election or primary if:

31 (1) Such person knows or should reasonably know that such image,
32 audio or video is deceptive synthetic media;

33 (2) The communication containing such deceptive synthetic media is
34 distributed without the consent of such individual; and

35 (3) Such distribution is intended to injure a candidate or influence the
36 result of such election or primary.

37 (c) A person may distribute, or enter into an agreement to distribute,
38 a communication containing deceptive synthetic media during the
39 ninety-day period preceding a primary or election if:

40 (1) For such deceptive synthetic media that:

41 (A) Is an image or consists only of an image, (i) a disclaimer stating
42 "This communication contains an image that has been manipulated" or
43 "This image has been manipulated", as applicable, appears in text that is
44 clearly visible to and easily readable by the average viewer and is not
45 smaller than the largest font size of any other text appearing in such
46 communication, and (ii) in the case of any such image that was
47 generated by editing or manipulating an existing image, a citation
48 directing such viewer to the original source from which the unedited or
49 unmanipulated version of such existing image was obtained;

50 (B) Consists only of audio, (i) a disclaimer stating "This
51 communication contains audio that has been manipulated" is read in a
52 clearly spoken manner, in a pitch that can be easily heard by the average
53 listener and in the same language as the deceptive synthetic media and
54 any other language such person should reasonably expect such listener
55 to speak or understand, and which disclaimer shall be so read at the
56 beginning of such communication, at the end of such communication
57 and, if such communication is greater than one minute in length,
58 interspersed within such communication at not less frequently than
59 thirty-second intervals, and (ii) in the case of any such audio that was
60 generated by editing or manipulating existing audio, a citation directing
61 such listener to the original source from which the unedited or
62 unmanipulated version of such existing audio was obtained; or

63 (C) Is a video, (i) a disclaimer stating "This communication contains
64 video that has been manipulated" appears in text that is clearly visible
65 to and easily readable by the average viewer, is not smaller than the
66 largest font size of any other text appearing in such communication and
67 is in the same language as the deceptive synthetic media and any other
68 language such person should reasonably expect such viewer to speak or
69 understand, and which disclaimer shall appear for the duration of such
70 communication, and (ii) in the case of any such video that was generated
71 by editing or manipulating an existing video, a citation directing such
72 viewer to the original source from which the unedited or
73 unmanipulated version of such existing video was obtained; or

74 (2) Such person is:

75 (A) A radio station or television station, whether broadcast, cable or
76 satellite and including, but not limited to, any producer or programmer
77 or any certified competitive video service provider, community antenna
78 television company, holder of a certificate of cable franchise authority
79 or holder of a certificate of video franchise authority, as those terms are
80 defined in section 16-1 of the general statutes, that (i) broadcasts such
81 communication containing deceptive synthetic media as part of a bona
82 fide newscast, news interview, news documentary or other on-the-spot
83 coverage of bona fide news events, (ii) (I) retains the disclaimer upon
84 such communication required under subdivision (1) of this subsection,
85 or (II) except in the case of any such on-the-spot coverage, adds such a
86 disclaimer at the time of such broadcast if such communication did not
87 previously include such a disclaimer, and (iii) except in the case of any
88 such on-the-spot coverage for which such person does not have reason
89 to believe that such communication contains deceptive synthetic media,
90 clearly states in the content of such broadcast that such communication
91 contains deceptive synthetic media; or

92 (B) An Internet web site or regularly published newspaper, magazine
93 or other periodical of general circulation, including, but not limited to,
94 any regularly published periodical of general circulation that is
95 published electronically or on the Internet, that (i) publishes such
96 communication containing deceptive synthetic media as part of such
97 person's routine carriage of news and commentary of general interest,
98 (ii) (I) retains the disclaimer upon such communication required under
99 subdivision (1) of this subsection, or (II) adds such a disclaimer at the
100 time of such publication if such communication did not previously
101 include such a disclaimer, and (iii) clearly states in the content of such
102 publication that such communication contains deceptive synthetic
103 media.

104 (d) (1) Any person who violates the provisions of this section shall be
105 guilty of a class C misdemeanor, except that:

106 (A) If such violation was committed with the intent to cause violence

107 or bodily harm, or to distribute deceptive synthetic media to an
108 audience and such audience exceeds ten thousand individuals, such
109 person shall be guilty of a class A misdemeanor; and

110 (B) If such violation was committed less than five years after a prior
111 conviction under this section, such person shall be guilty of a class D
112 felony.

113 (2) Any penalty imposed under subdivision (1) of this subsection
114 shall be in addition to any injunctive or other equitable relief or any
115 general or special damages ordered under subsection (e) of this section.

116 (e) (1) (A) The Attorney General, an individual described in
117 subsection (b) of this section, or a candidate who has been or is likely to
118 be injured by the distribution of a communication containing deceptive
119 synthetic media in violation of the provisions of this section, may
120 commence a civil action in a court of competent jurisdiction seeking to
121 permanently enjoin any person whose violation of the provisions of this
122 section is reasonably believed to be imminent, or who is in the course of
123 violating the provisions of this section, and other equitable relief.

124 (B) An individual described in subsection (b) of this section, or a
125 candidate who has been injured by the distribution of a communication
126 containing deceptive synthetic media in violation of the provisions of
127 this section, may commence a civil action in a court of competent
128 jurisdiction seeking to recover general or special damages resulting
129 from such distribution.

130 (2) In any civil action commenced under subdivision (1) of this
131 subsection, the plaintiff shall bear the burden of proving by clear and
132 convincing evidence that the defendant distributed, or will imminently
133 distribute, a communication containing deceptive synthetic media in
134 violation of the provisions of this section.

135 (3) Any party, other than the Attorney General, who prevails in a civil
136 action commenced under subdivision (1) of this subsection shall be
137 awarded reasonable attorney's fees and costs to be taxed by the court.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>July 1, 2024</i>	New section
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GAE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 25 \$	FY 26 \$
Judicial Dept. (Probation); Correction, Dept.	GF - Potential Cost	Minimal	Minimal
Resources of the General Fund	GF - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill creates offenses related to deceptive synthetic media ranging from a class C misdemeanor to a class D felony. This results in a potential cost to the Department of Correction and the Judicial Department for incarceration or probation and a potential revenue gain to the General Fund from fines. On average, the marginal cost to the state for incarcerating an offender for the year is \$3,300¹ while the average marginal cost for supervision in the community is less than \$800² each year for adults and \$1,000 each year for juveniles.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to violations.

¹Inmate marginal cost is based on increased consumables (e.g., food, clothing, water, sewage, living supplies, etc.). This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

²Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

OLR Bill Analysis**sHB 5450*****AN ACT CONCERNING ARTIFICIAL INTELLIGENCE, DECEPTIVE SYNTHETIC MEDIA AND ELECTIONS.*****SUMMARY**

This bill generally makes it a crime for a person to (1) distribute a communication with deceptive synthetic media or (2) enter into an agreement to distribute it. Specifically, the bill prohibits this if it takes place within 90 days before an election or primary and:

1. the person knows, or should reasonably know, it is deceptive synthetic media;
2. it is distributed without the depicted individual's consent; and
3. it is intended to injure a candidate or influence the election or primary results.

However, the bill exempts certain deceptive synthetic media that is distributed if it has a disclaimer as required by the bill. Further, news organizations and other similar entities may be exempt from criminal and civil liability if the distribution is part of bona fide news coverage on the deceptive communication.

The bill also allows the attorney general and certain people to bring a civil action against someone who violates the bill's provisions and subjects violators to criminal penalties ranging from a class C misdemeanor to a class D felony, depending on the circumstances.

EFFECTIVE DATE: July 1, 2024

DECEPTIVE SYNTHETIC MEDIA

Under the bill, “deceptive synthetic media” is any image, audio, or video of an individual, and any representation of his or her appearance, speech, or conduct that is substantially derived from it, which (1) a reasonable person would believe depicts the individual’s appearance, speech, or conduct when the individual did not do so, and (2) was generated, in whole or in part, by using artificial intelligence or other technology.

DISCLAIMER

Under the bill, deceptive synthetic media may be distributed lawfully within the 90-day period if it contains a disclaimer as required by the bill. The disclaimer varies depending on the type of media (i.e., image, audio, or video).

Image Disclaimer

Under the bill, the image must contain a disclaimer stating either “This communication contains an image that has been manipulated” or “This image has been manipulated,” as applicable. Additionally, the disclaimer must:

1. appear in text clearly visible to and easily readable by the average viewer;
2. be in text at least the same size as the largest font used for any other text in the communication; and
3. contain a citation to the original source of the unedited or unmanipulated version of the image, if the media was generated by editing or manipulating an existing image.

Audio Disclaimer

The audio must contain a disclaimer stating, “This communication contains audio that has been manipulated.” Additionally, the disclaimer must:

1. be read in a clearly spoken manner;
2. be in a pitch that can be heard by the average listener;

3. be read in the same language as the rest of the media as well as any other language the person would reasonably expect the listener to speak or understand; and
4. contain a citation to the original source of the unedited or unmanipulated version of the audio, if the media was generated by editing or manipulating existing audio.

The disclaimer must be read at the beginning and end of the communication. If the communication is greater than one minute, it must be read during the audio at least every 30 seconds.

Video Disclaimer

The video must contain a disclaimer stating, "This communication contains video that has been manipulated." Additionally, the disclaimer must:

1. appear throughout the entire video in text clearly visible to and easily readable by the average viewer;
2. be in text at least the same size as the largest font used for any other text in the communication;
3. be in the same language as the rest of the media as well as any other language the person would reasonably expect the listener to speak or understand; and
4. contain a citation to the original source of the unedited or unmanipulated version of the video, if the media was generated by editing or manipulating existing video.

EXEMPT ENTITIES

The bill's provisions do not apply, under certain conditions, to a radio or television station, a website, or a regularly published newspaper, magazine, or online periodical of general circulation.

Radio or television stations (including broadcast, cable, and satellite) may broadcast deceptive synthetic media if it is part of a bona fide

newscast, news interview, news documentary, or other on-the-spot coverage of bona fide news events.

The broadcast must either retain the disclaimer required by the bill or add one if the original communication did not contain one, except for on-the-spot coverage. Additionally, a broadcast must clearly state in its content that the communication contains deceptive synthetic media, except for on-the-spot coverage of a communication that the person does not have reason to believe contains deceptive synthetic media.

Websites or regular periodicals may publish this media if (1) it is part of their routine news coverage and commentary of general interest, (2) they retain the disclaimer required by the bill or add one if not present, and (3) they clearly state in their content that the communication contains deceptive synthetic media.

PENALTIES

Criminal

At a minimum, a violation can result in a class C misdemeanor, which carries a maximum penalty of incarceration of three months, a \$500 fine, or both. For violations committed with the intent to cause violence or bodily harm or distributed to an audience of more than 10,000 individuals, the penalty is increased to a class A misdemeanor (up to 364 days imprisonment, a fine of \$2,000, or both). The penalty may also be increased to a class D felony (up to five years imprisonment, a \$5,000 fine, or both) for a subsequent conviction within five years.

These criminal penalties are in addition to any injunctive or equitable relief or special damages pursued in a civil action.

Civil

The bill also allows (1) the attorney general, (2) an individual depicted in the deceptive media, or (3) a candidate injured or likely to be injured by the media's distribution to seek a permanent injunction or other equitable relief against a person violating, or that will imminently violate, the bill. The plaintiff must prove their claim by clear and convincing evidence.

Plaintiffs, other than the attorney general, may seek general or special damages due to the distribution and must be awarded attorney’s fees and costs if they prevail, to be taxed by the court.

BACKGROUND

Related Bill

sSB 2, favorably reported by the General Law Committee, establishes various provisions regulating artificial intelligence, including similar provisions on the use of deceptive media during elections.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 17 Nay 2 (03/22/2024)