



General Assembly

Amendment

February Session, 2024

LCO No. 4399



Offered by:

REP. BLUMENTHAL, 147th Dist.

To: Subst. House Bill No. 5450

File No. 415

Cal. No. 271

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective July 1, 2024*) (a) As used in this section:

4 (1) "Artificial intelligence" means a machine-based system that (A)
5 can, for a given set of human-defined objectives, make predictions,
6 recommendations or decisions influencing real or virtual environments,
7 and (B) uses machine and human-based inputs to (i) perceive real and
8 virtual environments, (ii) abstract such perceptions into models through
9 analysis in an automated manner, and (iii) formulate options for
10 information or action through model inference;

11 (2) "Candidate" means any individual who seeks nomination for
12 election, or election to public office whether or not such individual is
13 elected;

14 (3) "Deceptive synthetic media" means any image, audio or video of

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

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

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

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

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

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

33 (1) Such person (A) knows or should reasonably know that such
34 image, audio or video is deceptive synthetic media, or (B) in the case
35 where the individual depicted therein is a public official or public figure,
36 acts with reckless disregard as to whether such image, audio or video is
37 deceptive synthetic media;

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

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

42 (c) A person may distribute, or enter into an agreement to distribute,
43 a communication containing deceptive synthetic media during the

44 ninety-day period preceding a primary or election if:

45 (1) For such deceptive synthetic media that:

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

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

70 (C) Is a video, (i) a disclaimer stating "This communication contains
71 video that has been manipulated", or using substantially the same
72 words, appears in text that is clearly visible to and easily readable by the
73 average viewer, is not smaller than the largest font size of any other text
74 appearing in such communication and is in the same language as the
75 deceptive synthetic media and any other language such person should

76 reasonably expect such viewer to speak or understand, and which
77 disclaimer shall appear for the duration of such communication, and (ii)
78 in the case of any such video that was generated by editing or
79 manipulating an existing video, a citation directing such viewer to the
80 original source from which the unedited or unmanipulated version of
81 such existing video was obtained; or

82 (2) Such person is:

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

101 (B) An Internet web site or regularly published newspaper, magazine
102 or other periodical of general circulation, including, but not limited to,
103 any regularly published periodical of general circulation that is
104 published electronically or on the Internet, that (i) publishes such
105 communication containing deceptive synthetic media as part of such
106 person's routine carriage of news and commentary of general interest,
107 (ii) (I) retains the disclaimer upon such communication required under
108 subdivision (1) of this subsection, or (II) adds such a disclaimer at the

109 time of such publication if such communication did not previously
110 include such a disclaimer, and (iii) clearly states in the content of such
111 publication that such communication contains deceptive synthetic
112 media.

113 (d) Any person who purchases advertising space for the broadcast of
114 a communication described in section 9-621 of the general statutes,
115 which broadcast is by an entity described in subparagraph (A) of
116 subdivision (2) of subsection (c) of this section, shall file an affirmation
117 with the State Elections Enforcement Commission, sworn under
118 penalties of false statement, that such communication does not contain
119 any deceptive synthetic media. Such person shall provide a copy of such
120 affirmation to such entity, and such entity shall preserve such copy for
121 four years from the date on which such communication was last
122 broadcast by such entity.

123 (e) (1) Any person who violates the provisions of subsection (b) of this
124 section shall be guilty of a class C misdemeanor, except that:

125 (A) If such violation was committed with the intent to cause violence
126 or bodily harm, or to distribute deceptive synthetic media to an
127 audience and such audience exceeds ten thousand individuals, such
128 person shall be guilty of a class A misdemeanor; and

129 (B) If such violation was committed less than five years after a prior
130 conviction under subsection (b) of this section, such person shall be
131 guilty of a class D felony.

132 (2) Any penalty imposed under subdivision (1) of this subsection
133 shall be in addition to any injunctive or other equitable relief or any
134 general or special damages ordered under subsection (f) of this section.

135 (f) (1) (A) The Attorney General, an individual described in
136 subsection (b) of this section, or a candidate who has been or is likely to
137 be injured by the distribution of a communication containing deceptive
138 synthetic media in violation of the provisions of said subsection, may
139 commence a civil action in a court of competent jurisdiction seeking to

140 permanently enjoin any person whose violation of the provisions of said
141 subsection is reasonably believed to be imminent, or who is in the course
142 of violating the provisions of said subsection, and other equitable relief.

143 (B) An individual described in subsection (b) of this section, or a
144 candidate who has been injured by the distribution of a communication
145 containing deceptive synthetic media in violation of the provisions of
146 said subsection, may commence a civil action in a court of competent
147 jurisdiction seeking to recover general or special damages resulting
148 from such distribution.

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

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

157 (g) The provisions of subsections (a) to (f), inclusive, of this section
158 shall not apply to (1) any image, audio or video of an individual, or any
159 representation of an individual's appearance, speech or conduct that is
160 substantially derived from an image, audio or video, that constitutes
161 parody or satire, provided a reasonable person would not believe that
162 such individual in fact appeared or engaged in speech or conduct as
163 depicted in such image, audio or video, or (2) any political advertising
164 or campaign communication the distribution of which is required by
165 law, including, but not limited to, 47 USC 315 and any rule or regulation
166 prescribed thereunder, as amended from time to time."

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2024	New section