Hinchey Urges Signing of Bill to Ban Non-Consensual and Sexually Explicit Deepfake Images

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Hinchey Bill Cracks Down on AI-Generated Image-Based Sexual Abuse

KINGSTON, NY – State Senator Michelle Hinchey is urging Governor Kathy Hochul to sign legislation she sponsors (S1042A), along with Assemblymember Amy Paulin, that would make it unlawful to disseminate AI or digitally-generated pornographic media or "deepfakes" of a person without their consent. Deepfake porn is fictitious, sexually explicit imagery or video using a person's likeness, created using computer technology and often with malicious intent. This violation disproportionately targets women and children. Both legislative houses passed Hinchey's bill in the 2023 session, with the Senate passing it unanimously. If signed into law, violators would face up to a year in jail and a $1,000 fine, and victims would be entitled to pursue a private right of action against perpetrators.

"In a rapidly advancing digital world, anyone can be the target of deepfake abuse, and our State laws need to keep up with these advancements to protect people against this violation and send a clear message that the disturbing trend of non-consensual fake intimate images online will not be tolerated here in New York," **said Senator Michelle Hinchey.** "Every person should be able to maintain control of their likeness, and I'm proud to sponsor legislation that would ban the non-consensual dissemination of deepfakes and crack down harder on this form of abuse by expanding the ban from intimate partners to anyone who creates and shares explicit images without a person's consent. I urge the Governor to sign my bill into law immediately to protect people from this exploitation and entitle victims to seek justice."

As online deepfake porn continues to proliferate, becoming more sophisticated and nearly imperceptible to the human eye, New York State law has not kept pace with this technology-enabled abuse — until now with Hinchey's bill. According to an MIT Technology Review report, the vast majority of deepfakes are used against women. Sensity AI, a visual threat intelligence company that has tracked online deepfake videos since December 2018, has found that between 90% and 95% are non-consensual porn featuring women. A report published by Sensity AI in 2021 estimated that there were more than 85,000 harmful deepfake videos detected up to December 2020, with the number doubling every six months since observations began in December 2018.

In 2019, New York became the 42nd state to criminalize the non-consensual sharing of sexually explicit photos and videos online, known as "revenge porn," often perpetrated by a former romantic partner in order to cause a victim distress or humiliation. However, the growth of online deepfake porn portraying real people in fake situations — created by individuals who may have no relation to the victim — demonstrates the need to update State law to address this threat. Hinchey's bill is the first attempt to advance these specific protections in New York.

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