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SEN. JACQUE LEGISLATION PROTECTING VICTIMS OF 'DEEP FAKE' PORNOGRAPHY ADVANCES

Senate clears bill barring distribution of artificially-created sexually explicit images

MADISON, WI... Victims whose images are unknowingly twisted into synthetic “deep fake” pornography for display on social media or other distribution would finally have strong legal protections under bipartisan legislation that unanimously passed the State Senate today on a 33-0 roll call vote.

“As the capabilities of artificial intelligence (AI) become more and more advanced, bad actors are increasingly using artificially generated sexually explicit images to harass and intimidate innocent people online,” said State Sen. André Jacque (R-De Pere), lead author of the measure. “This bill would protect against a new and disturbing form of cyber-abuse and ensure that all Wisconsinites can feel comfortable sharing regular images of themselves online without fearing that those images will be manipulated or corrupted into pornography.”

Sen. Jacque said a [study](#) from the cybersecurity company Deeptrace found that about 96% of “deep fake” material is non-consensual pornography, and “exclusively targets and harms women,” the company reported.

“This legislation would strengthen and modernize Wisconsin law by making it a felony to create, store, reproduce, or disseminate sexually explicit deep fakes without the consent of the person who is being depicted,” Sen. Jacque said. “It would also make it a misdemeanor to reproduce sexually explicit ‘private images,’ which are voluntarily taken but not intended to be shared widely.”

Sen. Jacque said that current state law prohibits non-consensual creation and dissemination of representations depicting nudity ([s. 942.09 Stats.](#)), but does not directly address the unauthorized creation of sexually explicit images known as “deep fakes,” which, for example, use an existing picture of a person’s face to create a new, hyper-realistic pornographic image.

“This measure would also strengthen and update Wisconsin law by making it a felony to hack, intercept, or otherwise steal sexually explicit images from someone’s phone or other digital devices,” Sen. Jacque said. “Current state law does not specifically prohibit someone from obtaining an intimate image voluntarily taken by another person on their phone who has not shared it with anyone else.”

Sen. Jacque said the proposal ([Senate Bill 33](#)) is an update of [2021 Senate Bill 987](#), revised to make the offense a felony, which aligns with current penalties for “intimate representations.” These images are created without consent, as opposed to “private representations,” which are created consensually, but only intended to be shared among specific individuals.

The bill must now pass the Assembly and be signed by the Governor to become law.

Senator André Jacque represents Northeast Wisconsin’s First Senate District, consisting of Door and Kewaunee Counties and portions of Brown, Calumet, Manitowoc, and Outagamie counties.

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