



General Assembly

Substitute Bill No. 5450

February Session, 2024



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:

Section 1	<i>July 1, 2024</i>	New section
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GAE *Joint Favorable Subst.*