HOUSE . . . . No. 72

The Commonwealth of Massachusetts

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PRESENTED BY:

Jay D. Livingstone

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To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to protect against deep fakes used to facilitate criminal or torturous conduct.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Jay D. Livingstone	_8th Suffolk_	_1/18/2023_

HOUSE . . . . No. 72

By Representative Livingstone of Boston, a petition (accompanied by bill, House, No. 72) of Jay D. Livingstone for legislation to establish a Massachusetts state deepfake and digital provenance task force (including members of the General Court) to protect against deep fakes used to facilitate criminal or torturous conduct. Advanced Information Technology, the Internet and Cybersecurity.

The Commonwealth of Massachusetts

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In the One Hundred and Ninety-Third General Court
(2023-2024)

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An Act to protect against deep fakes used to facilitate criminal or torturous conduct.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1   SECTION 1.

2   (a) Definitions — The following definitions shall apply to this measure:

3   (1) Digital Content Provenance- The term "digital content provenance" means the

4   verifiable chronology of the original piece of digital content, such as an image, video, audio

5   recording, or electronic document.

6   (2) Digital Content Forgery – The term "digital content forgery" means the use of

7   technologies, including artificial intelligence and machine learning techniques, to fabricate or

8   manipulate audio, visual, or text content with the intent to mislead.

9   (3) Task Force—the term "task force" means the (Title of the working group/taskforce)

10   established in Section 2.

11   SECTION 2.

12   (a) The Governor shall appoint a "Massachusetts State Deepfake and Digital Provenance

13   Task Force" and designate the chairperson of that group on or before July 1, 2023, to evaluate all

14   of the following:

15   (1) The proliferation of deepfakes impacting state government, Massachusetts-based

16   businesses, and residents.

17   (2) The risks, including privacy risks, associated with the deployment of digital content

18   forgery technologies and deepfakes on Massachusetts State and local government, businesses,

19   and Massachusetts residents.

20   (3) The impact of digital content forgery technologies and deepfakes on civic

21   engagement, including voters.

22   (4) The legal implications associated with the use of digital content forgery technologies

23   and deepfakes.

24   (5) The best practices for preventing digital content forgery and deepfake technology to

25   benefit the State of Massachusetts, Massachusetts-based businesses, and Massachusetts residents.

26   (b) The task force shall consist of participants from all of the following:

27   (1) The governor shall appoint:

28   a. Three appointees from private industry, with at least two having a technical focus that

29   includes digital content, media manipulation, or related subjects.

30   b. Two appointees with a background in law chosen in consultation with the Attorney

31   General.

32   c. Two appointees representing consumer organizations

33   (2) The Speaker of the House and Senate President shall each appoint the following:

34   a. One appointee from private industry, having a technical focus that includes digital

35   content, media manipulation, or related subjects.

36   b. One Majority and One Minority Member of their respective chambers

37   (4) The Secretary of the Executive Office of Technology Services and Security, or his or

38   her designee.

39   (5) Secretary of Administration and Finance, or his or her designee.

40   (c) The deepfake task force shall take input from a broad range of stakeholders with a

41   diverse range of interests affected by state policies governing emerging technologies, privacy,

42   business, the courts, the legal community, and state government.

43   (d) The Deepfake and Digital Provenance Task Force shall develop a coordinated plan to-

44   (1) Reduce the proliferation and impact of digital content forgeries and deepfakes,

45   including by exploring how the adoption of a digital content provenance standard could assist

46   with reducing the proliferation of digital content forgeries and deepfakes;

47   (2) Investigate the feasibility of, and obstacles to, Massachusetts state departments

48   standards and technologies for determining digital content provenance;

49   (3) Investigate the feasibility of conducting a public, consumer education campaign to

50   Increase the ability of internet companies, journalists, watchdog organization, other relevant

51   entities, and members of the public to meaningfully scrutinized and identify digital content

52   forgeries and relay trust and information about digital content provenance to content consumers;

53   (4) Develop or identify mechanisms for content creators to do the following:

54   (i) Cryptographically certify authenticity of original media and non-deceptive

55   manipulations; and

56   (ii) Enable the public to validate the authenticity of original media and non-deceptive

57   manipulations to establish content provenance; and

58   (e) On or before January 1, 2024, the "Deepfake and Digital Provenance Task Force"

59   shall report to the Legislature on the potential uses, risks of deepfake technology by state

60   government and Massachusetts-based businesses.

61   (1) The working group's report shall include recommendations for modifications to the

62   definition of digital content forgery and deepfakes and recommendations for amendments to

63   other code sections that may be impacted by the deployment of digital content forgery

64   technologies and deepfakes.

65   (f) The members of the working group shall serve without compensation but shall be

66   reimbursed for all necessary expenses actually incurred in the performance of their duties.

67   (g) Upon the submission of the report, the Task Force shall sunset.