
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1942 Session of
2021

INTRODUCED BY PISCIOTTANO, FREEMAN, DELLOSO, D. WILLIAMS, HILL-
EVANS, SANCHEZ, INNAMORATO, KINKEAD, A. DAVIS, SCHLOSSBERG,
McNEILL, DALEY, N. NELSON AND DeLUCA, SEPTEMBER 30, 2021

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 30, 2021

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in particular rights and
3 immunities, providing for the offense of deepfake
4 dissemination.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Subchapter A of Chapter 83 of Title 42 of the
8 Pennsylvania Consolidated Statutes is amended by adding a
9 section to read:

10 § 8320.1. Deepfake dissemination.

11 (a) Offense defined.--Except as provided in subsection (b),
12 a person may not disseminate a deepfake within 90 days of an
13 election with the intent to:

14 (1) harass, annoy or alarm a current or former candidate
15 for public office; or

16 (2) unduly influence a voter's decision to vote or
17 refrain from voting:

18 (i) at the election;

1 (ii) for or against a particular candidate at the
2 election; or

3 (iii) for or against a question submitted to voters
4 at the election.

5 (b) Applicability.--The prohibition under subsection (a)
6 does not apply:

7 (1) If the deepfake includes a disclosure statement. The
8 following apply:

9 (i) The disclosure statement shall be in
10 substantially the following form:

11 This (image, audio recording or video recording)
12 has been manipulated.

13 (ii) For visual media that is not a video recording:

14 (A) The text of the disclosure statement shall
15 appear in a size that is easily readable by the
16 average viewer and no smaller than the largest font
17 size of other text appearing in the visual media.

18 (B) If the visual media does not include any
19 other text, the disclosure statement shall appear in
20 a size that is easily readable by the average viewer.

21 (iii) For visual media that is a video recording,
22 the disclosure statement shall appear for the duration of
23 the video.

24 (iv) For media that is an audio recording, the
25 disclosure statement shall be read in a clearly spoken
26 manner and in a pitch that can be easily heard by the
27 average listener:

28 (A) at the beginning of the audio recording;

29 (B) at the end of the audio recording; and

30 (C) if the audio recording is greater than two

1 minutes in length, interspersed within the audio
2 recording at intervals of not greater than two
3 minutes each.

4 (2) To the following:

5 (i) A radio or television broadcasting station,
6 including a cable or satellite television operator,
7 programmer or producer, which broadcasts a deepfake as
8 part of a bona fide newscast, news interview, news
9 documentary or on-the-spot coverage of bona fide news
10 events, if the broadcast clearly acknowledges through
11 content or a disclosure statement, in a manner that can
12 be easily heard or read by the average listener or
13 viewer, that there are questions about the authenticity
14 of the deepfake.

15 (ii) A radio or television broadcasting station,
16 including a cable or satellite television operator,
17 programmer or producer, when it is paid to broadcast a
18 deepfake.

19 (iii) An Internet website, or a regularly published
20 newspaper, magazine or other periodical of general
21 circulation, including an Internet or electronic
22 publication, which routinely carries news and commentary
23 of general interest and that publishes a deepfake, if the
24 publication clearly states that the deepfake does not
25 accurately represent the speech or conduct of the
26 candidate.

27 (c) Remedies.--

28 (1) A current or former candidate for public office
29 whose likeness, appearance, speech or conduct appears in a
30 deepfake disseminated in violation of subsection (a) may:

1 (i) Seek injunctive or other equitable relief
2 prohibiting the further production, publication,
3 distribution or dissemination of the deepfake.

4 (ii) Bring a civil action against the person that
5 violated subsection (a).

6 (2) In a civil action alleging a violation under this
7 section:

8 (i) The court may award general or special damages
9 to the prevailing party as well as reasonable attorney
10 fees and costs.

11 (ii) The plaintiff shall bear the burden of proving,
12 when the issue is properly raised:

13 (A) The intent to harass, annoy or alarm a
14 current or former candidate for public office or to
15 unduly influence a voter's decision to vote or
16 refrain from voting, as specified in subsection (a)
17 (2), through the dissemination of a deepfake.

18 (B) The dissemination of a deepfake by the
19 defendant in violation of this section.

20 (C) The applicability of the deepfake to the
21 plaintiff.

22 (D) Special harm resulting to the plaintiff from
23 the dissemination of the deepfake.

24 (3) This subsection shall not be construed to limit or
25 preclude a plaintiff from securing or recovering any other
26 available remedy.

27 (d) Definitions.--As used in this section, the following
28 words and phrases shall have the meanings given to them in this
29 subsection unless the context clearly indicates otherwise:

30 "Candidate." An individual who seeks to be nominated or

1 elected in an election to render public service.

2 "Deepfake." As follows:

3 (1) An image or audio or video recording of a
4 candidate's likeness, appearance, speech or conduct that:

5 (i) has been created with the intent to deceive; and

6 (ii) appears to depict a real person performing an
7 action that did not occur in reality.

8 (2) The term does not include an image or audio or video
9 recording that constitutes satire or parody.

10 "Disseminate." Produce, publish, distribute, broadcast,
11 publicize, display, transmit or otherwise publicly share.

12 "Election." Any of the following:

13 (1) A general election.

14 (2) A municipal election.

15 (3) A primary election.

16 (4) A special election.

17 "General election." The election held biennially on the
18 Tuesday next following the first Monday of November in each
19 even-numbered year.

20 "Municipal election." The election held on the Tuesday next
21 following the first Monday of November in each odd-numbered
22 year.

23 "Person." Any of the following:

24 (1) An individual.

25 (2) A firm, partnership, corporation, limited liability
26 company, association, organization or similar entity.

27 (3) A political committee or political party or a member
28 of a political committee or political party.

29 "Primary election." An election for the nomination of
30 candidates.

1 "Public office." A Federal, State or local position that
2 requires an individual to be elected to render public service
3 for a fixed fee or compensation.

4 "Special election." An election authorized by law that is
5 not a general election, municipal election or primary election.

6 Section 2. This act shall take effect in 60 days.