

JAN 17 2025

A BILL FOR AN ACT

RELATING TO DEEPPAKES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 707, Hawaii Revised Statutes, is
2 amended by adding a new section to part V to be appropriately
3 designated and to read as follows:

4 "§707- Unlawful creation or distribution of a sexually
5 explicit deepfake. (1) A person commits the offense of
6 unlawful creation or distribution of a sexually explicit
7 deepfake if the person knowingly and without the consent of the
8 depicted individual creates, distributes to, exhibits to, or
9 exchanges with others or offers to distribute to, exhibit to, or
10 exchange with others a deepfake that depicts an individual nude
11 or personally engaging in sexual conduct.

12 (2) Unlawful creation or distribution of a sexually
13 explicit deepfake is a misdemeanor.

14 (3) No person shall be held liable under this section for
15 any activity protected by the First Amendment to the United
16 States Constitution.

17 (4) For the purposes of this section:



1 "Deepfake" means any audio or visual media in an electronic
2 format, including any motion picture film or video recording,
3 that is created or altered in a manner that it would falsely
4 appear to a reasonable observer to be an authentic record of the
5 actual speech or conduct of the individual depicted in the
6 recording.

7 "Deepfake" does not include any material that constitutes a
8 work of political, public interest, or newsworthy value,
9 including commentary, criticism, satire, or parody, or that
10 includes content, context, or a clear disclosure visible
11 throughout the duration of the recording that would cause a
12 reasonable person to understand that the audio or visual media
13 is not a record of a real event.

14 "Distribute" means to publish, make available, or
15 distribute to the public.

16 "Distribute" does not include any alteration of a deepfake,
17 including altering the length of the recording, so long as the
18 alteration does not knowingly remove any content, context, or
19 clear disclosure visible throughout the duration of the
20 recording that would cause a reasonable person to believe that
21 the audio or visual media is not a record of a real event.

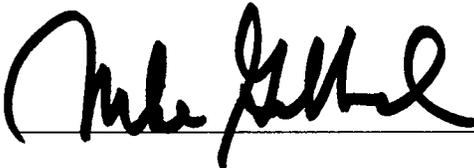


1 "Sexual conduct" means actual or simulated sexual
2 intercourse, including genital-genital contact, oral-genital
3 contact, anal-genital contact, or oral-anal contact, whether
4 between persons of the same or opposite sex, masturbation,
5 bestiality, sexual penetration, deviant sexual intercourse,
6 sadomasochistic abuse, or lascivious exhibition of the genital
7 or pubic area."

8 SECTION 2. New statutory material is underscored.

9 SECTION 3. This Act shall take effect upon its approval.

10

INTRODUCED BY: 



S.B. NO. 1156

Report Title:

Deepfakes; Creation; Distribution; Prohibition; Sexual Offenses

Description:

Establishes the crime of unlawful creation or distribution of a sexually explicit deepfake.

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