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STATE OF NEW JERSEY
221st LEGISLATURE

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SYNOPSIS

Establishes criminal penalties for production or dissemination of deceptive audio or visual media, commonly known as “deepfakes.”

CURRENT VERSION OF TEXT

As amended on March 17, 2025 by the General Assembly pursuant to the Governor's recommendations.

(Sponsorship Updated As Of: 3/24/2025)

1 AN ACT establishing ³civil and³ criminal penalties for the
2 production and dissemination of deceptive audio or visual media
3 and supplementing Title 2C of the New Jersey Statutes.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 ³1. The Legislature finds and declares that:

9 a. Technological advances in artificial intelligence have resulted in
10 widespread accessibility to sophisticated “deepfake” technology,
11 which can be used to manipulate audio and visual content to create
12 deceptive audio and visual media depictions that often cannot be
13 distinguished from reality.

14 b. Digitally altered media generated with this technology can
15 produce false and deceptive, but completely realistic and convincing,
16 media depicting events that never happened, interactions that never
17 took place, conduct that never occurred, and statements that were
18 never made.

19 c. While there are numerous valid and appropriate uses for this
20 sophisticated technology, such as criticism, comment, satire, parody,
21 news reporting, teaching, scholarship, or research, it may also be used
22 inappropriately, to deceive, humiliate, or violate the privacy of
23 individuals who are portrayed in deceptive audio and visual media
24 without their consent.

25 d. It is manifest that lawbreakers will use all available tools to
26 subvert the law, and “deepfake” technology, which may be readily
27 accessed through the Internet or computer software programs, can be a
28 powerful tool to accomplish illicit ends. Utilizing “deepfake”
29 technology, bad actors may engage in a broad range of criminal or
30 unlawful conduct such as creating audio and visual media depictions
31 of sexual abuse and sexual exploitation involving children or non-
32 consenting adults, creating false, misleading, and misattributed
33 political advertising and campaign materials, and targeting individuals
34 and corporate entities for harassment, damaging reputations and
35 ruining lives. Punishment for committing a crime using “deepfake”
36 technology should be cumulative, as the impact of the underlying
37 criminal conduct is amplified through the insidious use of “deepfake”
38 technology as the means to break the law.

39 e. With the readily available amplifiers of the Internet and social
40 media, digital media can be both ubiquitous and enduring, and the
41 harm to a person falsely depicted in a “deepfake” image or visual or
42 audio recording can result in widespread and pervasive emotional
43 distress, reputational damage, and indelible harm to that person’s
44 personal and professional relationships.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAP committee amendments adopted June 24, 2024.

²Assembly ABU committee amendments adopted June 26, 2024.

³Assembly amendments adopted in accordance with Governor's recommendations March 17, 2025.

1 f. There is a compelling State interest in fostering the appropriate
2 use of “deepfake” technology and deterring the inappropriate
3 application of this technology to commit illicit conduct, in a way that
4 safeguards the health, safety, and welfare of the public without unduly
5 infringing on the First Amendment rights of content creators.
6 Similarly, the State has a compelling interest in protecting the privacy
7 and reputational interests of residents who might otherwise be falsely
8 depicted through “deepfake” technology, and in providing them a
9 meaningful mechanism through which to obtain appropriate redress.

10 g. While civil liability and enforcement may to some extent
11 prevent the misuse of this technology in furtherance of criminal
12 activity, the relative ease with which this technology may be accessed
13 and deployed, measured against the magnitude of the indelible and
14 long-lasting harms its use can inflict upon victims and their families,
15 warrants more severe consequences to more effectively punish and
16 deter the inappropriate use of “deepfake” technology.

17 h. Accordingly, the Legislature finds that it is necessary and
18 proper to establish robust specific criminal penalties to punish and
19 deter the use of “deepfake” technology to generate or create works of
20 deceptive audio or visual media for the purpose of attempting or
21 furthering the commission of a crime or offense, or to solicit, disclose,
22 or use a work of deceptive audio or visual media for that purpose, and
23 by providing the aggrieved victims of such conduct a civil recourse by
24 which they may seek appropriate recompense.³

25
26 ³[1.] 2.³ a. As used in P.L. , c. (C.) (pending before the
27 Legislature as this bill):

28 “Deceptive audio or visual media” means any video recording,
29 motion picture film, sound recording, electronic image, photograph,
30 any technological representation of speech or conduct substantially
31 derivative thereof, or any forgery or facsimile of a document or
32 writing, that appears to a reasonable person to realistically depict any
33 speech, conduct, or writing of a person who did not in fact engage in
34 the speech, conduct, or writing, and the production of which was
35 substantially dependent upon technical means, rather than the ability of
36 another person to physically or verbally impersonate the person.

37 “Disclose” means to sell, give, provide, lend, trade, mail, deliver,
38 transfer, publish, distribute, circulate, disseminate, present, exhibit,
39 advertise, offer, share, or make ³externally³ available via the Internet
40 or by any other means, whether or not for pecuniary gain.

41 “Interactive computer service provider” shall have the same
42 meaning as set forth in 47 U.S.C. s.230.

43 “Solicit” means to offer to create or generate, or to advertise the
44 ability to create or generate, a work of deceptive audio or visual media,
45 whether or not for hire, commission, monetary remuneration, or
46 pecuniary gain. “Solicit” shall also mean to request the creation or
47 generation of a work of deceptive audio or visual media, whether or
48 not for monetary remuneration or compensation.

1 “Victim” means a person who suffers personal, physical, or
2 psychological injury or death or incurs loss of or injury to personal or
3 real property as a result of the conduct of another that would constitute
4 a violation of subsections b. or c. of this section. “Victim” also
5 includes the spouse, parent, legal guardian, grandparent, child, sibling,
6 domestic partner, or civil union partner of the decedent in the case of a
7 person’s death.

8 “Video streaming service” means a service that transmits video
9 content over the Internet that is played continuously without
10 download.

11 b. A natural person commits a crime of the third degree if,
12 without license or privilege to do so, the person generates or creates, or
13 causes to be generated or created, a work of deceptive audio or visual
14 media ³【with the intent that it be used as part of a plan or course of
15 conduct to commit】 for the purpose of attempting or furthering the
16 commission of³ any crime or offense, ³or with the knowledge that the
17 work is to be used by another for such purpose,³ including but not
18 limited to:

19 (1) a crime or offense under chapters 14, 16, 20, 21, 28, or 29 of
20 Title 2C of the New Jersey Statutes;

21 (2) advertising commercial sex abuse of a minor, pursuant to
22 subsection b. of section 12 of P.L.2013, c.51 (C.2C:13-10);

23 (3) endangering the welfare of children, pursuant to N.J.S.2C:24-
24 4;

25 (4) threats or improper influence in official and political matters,
26 pursuant to N.J.S.2C:27-3;

27 (5) false public alarms, pursuant to N.J.S.2C:33-3;

28 (6) harassment, pursuant to N.J.S.2C:33-4;

29 (7) cyber-harassment, pursuant to section 1 of P.L.2013, c.272
30 (C.2C:33-4.1); or

31 (8) hazing, pursuant to section 1 of P.L.1980, c.169 (C.2C:40-3).

32 ³【The trier of fact may infer that a work of deceptive audio or
33 visual media was generated or created without license or privilege to
34 do so if the work was generated or created using a commercially or
35 publicly available generative artificial intelligence system in violation
36 of the terms of service, terms of use, or end user license agreement of
37 the system.】³

38 c. (1) A natural person commits a crime of the third degree if,
39 without license or privilege to do so, the person solicits, discloses, or
40 uses a work of deceptive audio or visual media ³【as part of a plan or
41 course of conduct to commit】 for the purpose of attempting or
42 furthering the commission of³ any crime or offense,³or with the
43 knowledge that the work is to be used by another for such purpose,³
44 including but not limited to any crime or offense listed in subsection b.
45 of this section.

46 (2) ²【A】 Except as otherwise provided in subsection g. of this
47 section, a² natural person commits a crime of the ³【third】 fourth³
48 degree if, without license or privilege to do so, the person ³knowingly

1 or recklessly³ discloses a work of deceptive audio or visual media
2 ³that the person knows or reasonably should know was³ created in
3 violation of subsection b. of this section.

4 d. In addition to any term of imprisonment imposed pursuant to
5 N.J.S.2C:43-6 and notwithstanding the provisions of subsection b. of
6 N.J.S.2C:43-3, a fine of up to \$30,000 may be imposed for a violation
7 of this section.

8 e. Notwithstanding the provisions of N.J.S.2C:1-8 or any other
9 provisions of law:

10 (1) a conviction arising under subsection b. of this section shall
11 not merge with a conviction under subsection c. of this section, nor
12 shall a conviction under subsection c. of this section merge with a
13 conviction under subsection b. of this section; and

14 (2) a conviction arising under subsection b. or paragraph (1) of
15 subsection c. of this section shall not merge with a conviction of any
16 underlying offense, nor shall any conviction for such underlying
17 offense merge with a conviction under subsection b. of this section.
18 The court shall impose ²separate² consecutive² sentences upon a
19 conviction under subsection b. or paragraph (1) of subsection c. of this
20 section and a conviction of any underlying offense.

21 f. A ¹natural¹ person who violates the provisions of
22 P.L. , c. (C.) (pending before the Legislature as this bill) shall
23 ³also³ be liable to the victim of the violation, and the victim may bring
24 a civil action in the Superior Court. The court may award:

25 (1) actual damages, but not less than liquidated damages
26 computed at the rate of \$1,000 for each ³knowing or reckless³
27 violation of P.L. , c. (C.) (pending before the Legislature as
28 this bill);

29 (2) punitive damages upon proof of willful ³or reckless³
30 disregard of the law;

31 (3) reasonable attorney's fees and other litigation costs reasonably
32 incurred; and

33 (4) other such preliminary and equitable relief as the court
34 determines appropriate.

35 A conviction for a violation of P.L. , c. (C.) (pending
36 before the Legislature as this bill) shall not be a prerequisite for a civil
37 action brought pursuant to this subsection. The civil action authorized
38 by this subsection shall be in addition to, and not in lieu of, any other
39 civil action, injunctive relief, or other remedy available at law,
40 including, but not limited to, a civil action for common law
41 defamation, libel, slander, invasion of privacy, false light,
42 misappropriation of identity, intrusion of privacy, or public disclosure
43 of private facts.

44 g. (1) ²It shall be deemed a fair use and shall not be a violation
45 of² P.L. , c. (C.) (pending before the Legislature as this bill)
46 ²if a work of deceptive audio or visual media¹[,] is¹ clearly
47 identified as a work of deceptive audio or visual media ¹or, if the
48 deceptive nature of the work is unknown or unverified, but is clearly

1 identified as a possible work of deceptive audio or visual media¹, is
2 disclosed in connection with] shall not apply to content that
3 ³[constitutes²] a reasonable viewer or listener would understand to
4 constitute³ criticism, comment, satire, parody, news reporting,
5 teaching, scholarship, ³[or]³ research ³, or to any content³ ²],
6 pursuant to 17 U.S.C. s.107] that a reasonable viewer or listener
7 would not believe to authentically depict speech or conduct².

8 (2) P.L. , c. (C.) (pending before the Legislature as this
9 bill) shall not apply to an interactive computer service provider, cloud
10 services provider, or commercial developer or provider of artificial
11 intelligence technology ², where such developer or provider is not
12 deemed to be a publisher, speaker, or information content provider
13 pursuant to 47 U.S.C. s.230², and¹ shall not be construed to alter or
14 negate any rights, obligations, or immunities of an interactive
15 computer service provider ¹or cloud services provider¹ pursuant to 47
16 U.S.C. s.230¹], and shall not apply to a commercial developer or
17 provider of artificial intelligence technology, provided that to the
18 extent the provider or developer allows for the public dissemination of
19 consumer generated media as that term is defined pursuant to
20 paragraph (14) of 47 U.S.C. s.153, the provider or developer exercises
21 commercially reasonable efforts to ensure that consumer generated
22 media does not violate this section].¹

23 (3) P.L. , c. (C.) (pending before the Legislature as this
24 bill) shall not apply to any broadcasting station, cable service, radio
25 station, ³or³ telecommunications carrier, ³[or television station,]³ as
26 those terms are defined pursuant to 47 U.S.C. s.153, or to any
27 ³television station,³ billboard, Internet website, mobile application,
28 video streaming service, newspaper, magazine, publication, ²[or]²
29 printed matter ², or other advertising channel or medium² through
30 which an advertisement containing deceptive audio or visual media
31 appears ², where the advertising channel or medium's role in
32 disclosing the advertisement is limited to the selling of advertising
33 time or space, or where an advertising channel or medium is prohibited
34 by federal law from censoring the advertisement regardless of its
35 content² ¹], when the owner, publisher, or operator of the advertising
36 medium has no knowledge of the intent, design, or purpose of the
37 advertiser]¹.

38 (4) This section shall not apply to any broadcasting station,
39 including a cable or satellite television company, programmer, or
40 producer, an Internet website, ²video streaming service,² or a regularly
41 published newspaper, magazine, or other periodical of general
42 circulation, including an Internet or electronic publication, that
43 routinely carries news and commentary of general interest, and that
44 broadcasts or publishes any deceptive audio or visual media prohibited
45 by this section ²solely² for the purpose of disseminating newsworthy
46 facts; provided that ²if the deceptive nature of the work is known or

1 verified,² the broadcast or publication shall clearly contain a
2 disclaimer which is either shown or read aloud that identifies ²the
3 work as a work of² deceptive audio or visual media ²[and states that
4 the deceptive audio or visual media contains manipulated images or
5 sound]². ²[¹If the deceptive nature of the work is unknown or
6 unverified, the broadcast or publication shall clearly contain a
7 disclaimer which is either shown or read aloud that identifies the work
8 as a possible work of deceptive audio or visual media.¹²

9 (5) It shall not be a violation of this section to disclose any
10 deceptive audio or visual media to law enforcement officers in
11 connection with a criminal investigation or prosecution of a violation
12 of this section¹[, or]¹ pursuant to a subpoena or court order requiring
13 the disclosure of a work of deceptive audio or visual media¹; ³to a
14 school administrator, attorney, family member, or other advocate for
15 purposes of reporting conduct that may constitute a violation of this
16 section;³ or in furtherance of an investigation concerning fraud,
17 cybersecurity, identity theft, harassment, or a violation of a
18 commercial computer network's contractual terms of service¹.

19

20 ³[2.] 3.³ This act shall take effect immediately.