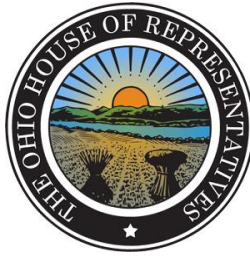State Representative
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H.B. 401 – Sponsor Testimony

Chair Abrams, Vice-Chair Williams, Ranking Member Brown and members of the Criminal Justice Committee. Thank you for the opportunity to provide sponsor testimony on HB 401 which would create the offense of nonconsensual distribution of a deepfake.

Throughout history, humanity has continued to develop innovations and inventions that have propelled society into the future. The invention of electricity, airplanes, computers, and the internet are all examples of great advancements in our society. Artificial intelligence, or AI, is now well on its way to join the likes of these important innovations. Despite the tremendous benefits of a developing technology, we must also deal with the possibility of misuse or abuse.

Artificial intelligence has vastly progressed over the last few years. In fact, in many cases, it is nearly impossible to distinguish between whether something is real or created by artificial intelligence. AI can not only create sentences, but photos and videos can be produced looking so lifelike, they are nearly indistinguishable from reality. AI has become so sophisticated an individual can create photos or videos of someone saying or doing anything.

These AI generated photos and videos are commonly known as deep fakes. Nefarious use of these so called "deep fakes" can and has led to the damage of people's reputations. Under current law, there is not an appropriate statute to address this issue. This is exactly why this bill is so important.

Thank you, Chair. I would now like to invite my joint sponsor, Rep. Demetriou, to give his sponsor testimony.

Chair Abrams, Vice-Chair Williams, Ranking Member Brown and members of the Criminal Justice Committee. Thank you for the opportunity to provide sponsor testimony on HB 401.

We live in a free society and enjoy our right to our freedom of speech, which means we are free to express our own opinions and beliefs. We do not, however, enjoy the same protections to manipulate and/or manufacture someone else's speech without their consent. That is why HB 401 creates a criminal offense to use technology to fabricate someone else's words or actions to harass, extort, threaten or cause physical, emotional, reputational or economic harm to someone else. This bill is a new age protection for a new age technology.

A first offense violation of distribution of a deep fake will be classified as a 1st degree misdemeanor while all subsequent violations will be classified as a felony of the 5th degree. We believe this piece of legislation will serve as a deterrent to those who chose to weaponize perhaps one of the greatest technological advances of our lifetime.

In the past, all we had to worry about is libel and slander in writing and by word of mouth. But, due to AI, we now have the added concern of fake photos and videos depicting someone saying or doing something they never did. This cannot be allowed to happen. We must protect the citizens of Ohio from being targeted by negative and harmful deep fakes.

Thank you for allowing us to testify on this important piece of legislation and we are more than happy to answer any question you may have at this time.