

---

## Community Safety Committee

---

### HB 1205

**Brief Description:** Prohibiting the knowing distribution of a forged digital likeness.

**Sponsors:** Representatives Ryu, Obras, Cortes, Callan, Pollet, Kloba and Timmons.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Expands the conduct that constitutes Criminal Impersonation in the second degree to include the knowing distribution of a forged digital likeness.</li></ul>
--



**Hearing Date:** 2/4/25

**Staff:** Corey Patton (786-7388).

**Background:**

Criminal Impersonation in the Second Degree.

A person commits Criminal Impersonation in the second degree if the person:

- claims to be a law enforcement officer or creates an impression that the person is a law enforcement officer and acts with intent to convey the impression that the person is acting in an official capacity, and a reasonable person would believe the person is a law enforcement officer; or
- falsely assumes the identity of a veteran or active duty member of the armed forces of the United States with intent to defraud for the purpose of personal gain or to facilitate any unlawful activity.

Criminal Impersonation in the second degree is a gross misdemeanor, punishable by a maximum penalty of 364 days in jail, a \$5,000 fine, or both.

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

### Legislation Related to Synthetic Media and Fabricated Depictions.

In 2023 the state enacted legislation to create a civil cause of action for candidates whose appearance, action, or speech is altered in electioneering communication through the use of synthetic media without a valid disclosure. Synthetic media is an image, audio recording, or video recording that has been intentionally manipulated with the use of generative adversarial network techniques or other digital technology in a manner to create a realistic but false image, audio, or video that produces:

- a depiction that to a reasonable individual is of a real individual in appearance, action, or speech that did not actually occur in reality; and
- a fundamentally different understanding or impression of the appearance, action, or speech than a reasonable person would have from the unaltered, original version of the image, audio recording, or video recording.

In 2024 the state enacted legislation to prohibit conduct involving fabricated depictions of identifiable minors or the disclosure of fabricated intimate images. A fabricated depiction is any visual or printed matter that depicts a minor who is identifiable from the matter itself or from information displayed with or otherwise connected to the matter, and that was created or altered by digitization to depict the minor engaging in sexually explicit conduct in which the minor did not actually engage. A fabricated intimate image is any photograph, motion picture film, videotape, digital image, or any other recording or transmission of another person who is identifiable from the image itself, or from information displayed with or otherwise connected to the image, and that was created or altered by digitization to depict certain false imagery or conduct that did not actually occur.

### **Summary of Bill:**

The conduct that constitutes Criminal Impersonation in the second degree is expanded to include when a person:

- knowingly distributes a forged digital likeness of another person as a genuine visual representation or audio recording with intent to defraud, harass, threaten, intimidate, or humiliate another or for any other unlawful purpose; and
- knows or reasonably should know that the forged digital likeness is not genuine.

The criminalization of such conduct may not be construed to prohibit the distribution of visual representations or audio recordings for matters of cultural, historical, political, religious, educational, newsworthy, or public interest including, but not limited to, use in works of art, commentary, satire, and parody protected by the state or federal constitutions.

"Forged digital likeness" means a visual representation of an actual and identifiable individual, or an audio recording of an actual and identifiable individual's voice, which:

- has been digitally created, adapted, altered, or modified to be indistinguishable from a genuine visual representation or audio recording of the individual;
- misrepresents the appearance, speech, or conduct of the individual; and
- is likely to deceive a reasonable person into believing that the visual representation or

audio recording is genuine.

**Appropriation:** None.

**Fiscal Note:** Requested on January 28, 2025.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.