
SENATE BILL 5886

State of Washington

69th Legislature

2026 Regular Session

By Senators Boehnke, Dozier, Nobles, Valdez, and J. Wilson

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1 AN ACT Relating to forged digital likenesses; and amending RCW
2 63.60.010, 63.60.020, and 63.60.050.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 63.60.010 and 2008 c 62 s 1 are each amended to read
5 as follows:

6 Every individual or personality has a property right in the use
7 of his or her name, voice, signature, photograph, forged digital
8 likeness, or likeness. Such right exists in the name, voice,
9 signature, photograph, forged digital likeness, or likeness of
10 individuals or personalities deceased before, on, or after June 11,
11 1998. This right shall be freely transferable, assignable, and
12 licensable, in whole or in part, by any otherwise permissible form of
13 inter vivos or testamentary transfer, including without limitation a
14 will or other testamentary instrument, trust, contract, community
15 property agreement, or cotenancy with survivorship provisions or
16 payable-on-death provisions, whether the will or other testamentary
17 instrument, trust, contract, community property agreement, or
18 cotenancy document is entered into or executed before, on, or after
19 June 11, 1998, by the deceased individual or personality or by any
20 subsequent owner of the deceased individual's or personality's rights
21 as recognized by this chapter; or, if none is applicable, then the

1 owner of the rights shall be determined under the laws of intestate
2 succession applicable to interests in intangible personal property.
3 The property right does not expire upon the death of the individual
4 or personality, regardless of whether the law of the domicile,
5 residence, or citizenship of the individual or personality at the
6 time of death or otherwise recognizes a similar or identical property
7 right. The right exists whether or not it was commercially exploited
8 by the individual or the personality during the individual's or the
9 personality's lifetime. The rights recognized under this chapter
10 shall be deemed to have existed before June 11, 1998, and at the time
11 of death of any deceased individual or personality or subsequent
12 successor of their rights for the purpose of determining the person
13 or persons entitled to these property rights as provided in RCW
14 63.60.030. This chapter is intended to apply to all individuals and
15 personalities, living and deceased, regardless of place of domicile
16 or place of domicile at time of death.

17 **Sec. 2.** RCW 63.60.020 and 2008 c 62 s 2 are each amended to read
18 as follows:

19 Unless the context clearly requires otherwise, the definitions in
20 this section apply throughout this chapter.

21 (1) "Deceased individual" means any individual, regardless of the
22 individual's place of domicile, residence, or citizenship at the time
23 of death or otherwise, who has died within ten years before January
24 1, 1998, or thereafter.

25 (2) "Deceased personality" means any individual, regardless of
26 the personality's place of domicile, residence, or citizenship at the
27 time of death or otherwise, whose name, voice, signature, photograph,
28 or likeness had commercial value at the time of his or her death,
29 whether or not during the lifetime of that individual he or she used
30 his or her name, voice, signature, photograph, or likeness on or in
31 products, merchandise or goods, or for purposes of advertising or
32 selling, or soliciting the purchase or sale of, products,
33 merchandise, goods, or services. A "deceased personality" includes,
34 without limitation, any such individual who has died within fifty
35 years before January 1, 1998, or thereafter.

36 (3) "Forged digital likeness" means a visual representation of an
37 actual and identifiable individual, or an audio recording of an
38 actual and identifiable individual's voice, which:

1 (a) Has been digitally created, adapted, altered, or modified to
2 be indistinguishable from a genuine visual representation or audio
3 recording of the individual;

4 (b) Misrepresents the appearance, speech, or conduct of the
5 individual; and

6 (c) Is likely to deceive a reasonable person into believing that
7 the visual representation or audio recording is genuine.

8 (4) "Fund-raising" means an organized activity to solicit
9 donations of money or other goods or services from persons or
10 entities by an organization, company, or public entity. A fund-
11 raising activity does not include a live, public performance by an
12 individual or group of individuals for which money is received in
13 solicited or unsolicited gratuities.

14 ~~((4))~~ (5) "Individual" means a natural person, living or dead.

15 ~~((5))~~ (6) "Likeness" means an image, painting, sketching,
16 model, diagram, or other clear representation, other than a
17 photograph, of an individual's face, body, or parts thereof, or the
18 distinctive appearance, gestures, or mannerisms of an individual.

19 ~~((6))~~ (7) "Name" means the actual or assumed name, or nickname,
20 of a living or deceased individual that is intended to identify that
21 individual.

22 ~~((7))~~ (8) "Person" means any natural person, firm, association,
23 partnership, corporation, joint stock company, syndicate, receiver,
24 common law trust, conservator, statutory trust, or any other concern
25 by whatever name known or however organized, formed, or created, and
26 includes not-for-profit corporations, associations, educational and
27 religious institutions, political parties, and community, civic, or
28 other organizations.

29 ~~((8))~~ (9) "Personality" means any individual whose name, voice,
30 signature, photograph, or likeness has commercial value, whether or
31 not that individual uses his or her name, voice, signature,
32 photograph, or likeness on or in products, merchandise, or goods, or
33 for purposes of advertising or selling, or solicitation of purchase
34 of, products, merchandise, goods, or services.

35 ~~((9))~~ (10) "Photograph" means any photograph or photographic
36 reproduction, still or moving, or any videotape, online or live
37 television transmission, of any individual, so that the individual is
38 readily identifiable.

39 ~~((10))~~ (11) "Signature" means the one handwritten or otherwise
40 legally binding form of an individual's name, written or authorized

1 by that individual, that distinguishes the individual from all
2 others.

3 **Sec. 3.** RCW 63.60.050 and 1998 c 274 s 5 are each amended to
4 read as follows:

5 Any person who uses or authorizes the use of a living or deceased
6 individual's or personality's name, voice, signature, photograph,
7 forged digital likeness, or likeness, on or in goods, merchandise, or
8 products entered into commerce in this state, or for purposes of
9 advertising products, merchandise, goods, or services, or for
10 purposes of fund-raising or solicitation of donations, or if any
11 person disseminates or publishes such advertisements in this state,
12 without written or oral, express or implied consent of the owner of
13 the right, has infringed such right. An infringement may occur under
14 this section without regard to whether the use or activity is for
15 profit or not for profit.

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