

SENATE FILE NO. SF0051

Unlawful dissemination of misleading synthetic media.

Sponsored by: Select Committee on Blockchain, Financial
Technology and Digital Innovation Technology

A BILL

for

1 AN ACT relating to consumer protection; prohibiting the
2 dissemination of synthetic media as specified; providing
3 definitions; providing remedies; providing penalties; and
4 providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 40-30-201 is created to read:

9

10 ARTICLE 2

11 SYNTHETIC MEDIA

12

13 **40-30-201. Unlawful distribution of misleading**
14 **synthetic media; penalties.**

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1 (a) As used in this section:

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3 (i) "Record" means as defined in W.S.
4 40-21-102(a)(xiii);

5

6 (ii) "Synthetic media" means an image, audio
7 record or video record of a natural person's appearance,
8 speech or conduct that has been intentionally manipulated
9 or generated in a manner to create a realistic but false
10 image, audio or video or other representation that to a
11 reasonable person is of a real natural person in
12 appearance, action or speech, which appearance, action or
13 speech did not actually occur and which would cause a
14 reasonable person to believe the appearance, action or
15 speech occurred.

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17 (b) A person engages in unlawful dissemination of
18 misleading synthetic media under this article when he
19 knowingly and intentionally disseminates synthetic media
20 knowing it to be synthetic media:

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22 (i) Without:

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1 (A) Displaying clear and conspicuous notice
2 in any visual synthetic media identifying the synthetic
3 media as synthetic media; or

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5 (B) If the synthetic media consists of
6 audio only and visual disclosure is not feasible, providing
7 a disclosure identifying the synthetic media as synthetic
8 media, which disclosure shall be read in a clearly spoken
9 manner and in a pitch that can be easily heard by the
10 average listener, at the beginning of the audio, at the end
11 of the audio and, if the audio is greater than two (2)
12 minutes in length, interspersed within the audio at
13 intervals of not more than two (2) minutes each; and

14
15 (ii) With the intent to mislead others about the
16 appearance, actions or speech of the natural person
17 represented in the synthetic media.

18
19 (c) Any person who is depicted by or who is misled by
20 synthetic media disseminated in violation of subsection (b)
21 of this article may maintain a civil action to enjoin or
22 restrain the dissemination of the synthetic media and may
23 in the same action seek damages from the person who

1 disseminated the synthetic media. A court may award any of
2 the following remedies to a plaintiff prevailing in an
3 action brought pursuant to this section:

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5 (i) Equitable relief;

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7 (ii) Damages;

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9 (iii) Costs and fees, including reasonable
10 attorney fees;

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12 (iv) Exemplary damages in an amount not less
13 than one thousand dollars (\$1,000.00) per plaintiff.

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15 (d) The attorney general may enforce the provisions
16 of this article and investigate violations of this article.

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18 (e) The attorney general or any district attorney may
19 on behalf of the state bring an action for temporary or
20 permanent injunctive or other relief in any court of
21 competent jurisdiction for any violation of this article.

22 The court may, upon entry of final judgment finding a
23 violation of this article, award restitution when

1 appropriate to any person suffering loss because of a
2 violation of this article if proof of the loss is submitted
3 to the satisfaction of the court.

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5 (f) This article shall not prohibit actions under
6 other statutory or common law provisions against conduct or
7 practices identical or similar to those declared to be
8 unlawful by section (b) of this section. However, the
9 remedies provided in this article are the exclusive
10 remedies for actions brought pursuant to this article.

11

12 (g) A person who disseminates synthetic media in
13 violation of subsection (b) of this section with malicious
14 intent, to influence the outcome of any election within the
15 state of Wyoming or to facilitate any other criminal act is
16 guilty of a misdemeanor punishable by imprisonment for not
17 more than six (6) months, a fine of not more than seven
18 hundred fifty dollars (\$750.00), or both.

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20 (h) This section shall not apply to:

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22 (i) A radio or television broadcasting station,
23 including a cable or satellite television operator,

1 programmer or producer, that broadcasts an election
2 communication that includes synthetic media prohibited by
3 subsection (b) of this section as part of a bona fide
4 newscast, news interview, news documentary or on-the-spot
5 coverage of a bona fide news event if the broadcast clearly
6 acknowledges through content or a disclosure, in a manner
7 that can be easily heard and understood or read by the
8 average listener or viewer, that there are questions about
9 the authenticity of the synthetic media in the election
10 communication;

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12 (ii) Any entity who broadcasts an advertisement
13 without censorship under 47 U.S.C. 315;

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15 (iii) An internet service provider, search
16 engine, cloud service provider or any affiliate or
17 subsidiary thereof that disseminates misleading synthetic
18 media solely as a result of providing access or connection
19 to information or content on the internet or other
20 electronic sources that are not under the provider or
21 engine's control, to the extent that the provider or engine
22 is not responsible for the creation of the misleading

1 synthetic media on which an alleged violation of this
2 section is based.

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4 (j) Dissemination of any synthetic media protected
5 under the first amendment to the United States constitution
6 or article 1, section 20 of the Wyoming constitution shall
7 not be deemed to violate this section.

8

9 **Section 2.** This act is effective July 1, 2024.

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(END)