The DEFIANCE Act of 2024
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The bipartisan *Disrupt Explicit Forged Images and Non-Consensual Edits Act of 2024* or the *DEFIANCE Act of 2024* would hold accountable those who are responsible for the proliferation of nonconsensual, sexually-explicit "deepfake" images and videos.

Deepfakes are videos or images created through artificial intelligence that look completely realistic. They may superimpose an individual's likeness onto real video footage depicting someone else, or they may consist of entirely original content where someone is represented doing or saying something they did not do or say. In either case, these deepfakes are hoaxes.

The volume of deepfake content available online is increasing exponentially as the technology used to create it has become more accessible to the public. The overwhelming majority of this material is sexually explicit and is produced without the consent of the person depicted. A 2019 study found that 96 percent of deepfake videos were nonconsensual pornography.

Sexually-explicit deepfake content is often used to exploit and harass women—particularly public figures, politicians, and celebrities. For example, in January 2024, fake, sexually-explicit images of Taylor Swift that were generated by artificial intelligence swept across social media platforms. Although the imagery may be fake, the harm to the victims from the distribution of sexually explicit deepfakes is very real. Victims have lost their jobs, and may suffer ongoing depression or anxiety.

The laws have not kept up with the spread of this abusive content. To stop the proliferation of nonconsensual, sexually-explicit deepfakes, the *DEFIANCE Act of 2024* creates a federal civil remedy for victims who are identifiable in a "digital forgery," which is defined as a visual depiction created through the use of software, machine learning, artificial intelligence, or any other computer-generated or technological means to falsely appear to be authentic.

The civil remedy applies to digital forgeries that depict the victim in the nude, or engaged in sexually-explicit conduct or sexual scenarios. The remedy is enforceable against individuals who produced or possessed the forgery with intent to distribute it; or who produced, distributed, or received the forgery, if the individual knew or recklessly disregarded that the victim did not consent to the conduct.

This bill creates a statute of limitations of 10 years (more than double the default statute of limitations); tolls the running of the statute of limitations until the plaintiff learns about the nonconsensual deepfake intimate image or they turn 18, whichever occurs later; and elaborates on the privacy protections available to plaintiffs during the course of any litigation, particularly with respect to the handling of discovery of the content at issue. These provisions would apply both to existing law relating to nonconsensual disclosure of intimate images and the new cause of action for nonconsensual deepfake intimate images.