

The Legislature of Rockland County



HON. DANA G. STILLEY
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Vice Chair, Special Committee on MWBE

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AGENDA
GOVERNMENT OPERATIONS COMMITTEE
SEPTEMBER 30, 2025
6:00 PM

ROLL CALL

ADOPTION OF MINUTES OF MAY 13, 2025 MEETING

- 1. REF. #9556** Setting A Date For A Public Hearing Providing For A Local Law Creating The Damaging Deepfake Act- A Law Making It Unlawful To Knowingly Disseminate Or Publish Digitally Deceptive Media, Falsely Depicting A Person Who May Be Reasonably Identified When The Actor Knew Or Should Have Known The Person Depicted Did Not Consent To Such Dissemination Or Publication
(Hon. Dana G. Stilley, Legislator, Legislature)
LG#: 2025-59PH

GOVOP. 9/30 /25 AGA/JF

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DRAFT

Introduced by:
Hon. Dana G. Stillely, Sponsor

Referral No. _____,
2025

**RESOLUTION NO. OF 2025
SETTING A DATE FOR A PUBLIC HEARING PROVIDING FOR
A LOCAL LAW CREATING THE DAMAGING DEEPFAKE ACT -
A LAW MAKING IT UNLAWFUL TO KNOWINGLY
DISSEMINATE OR PUBLISH DIGITALLY DECEPTIVE MEDIA,
FALSELY DEPICTING A PERSON WHO MAY BE
REASONABLY IDENTIFIED WHEN THE ACTOR KNEW OR
SHOULD HAVE KNOWN THE PERSON DEPICTED DID NOT
CONSENT TO SUCH DISSEMINATION OR PUBLICATION**

WHEREAS, The Legislature of Rockland County wishes to enact the Damaging Deepfake Act - a law making it unlawful to knowingly disseminate or publish digitally deceptive media, falsely depicting a person who may be reasonably identified when the actor knew or should have known the person depicted did not consent to such dissemination or publication; and

RESOLVED, That the Legislature of Rockland County hereby sets the day of October, 2025 at P.M., to consider adoption of a local law enacting the Damaging Deepfake Act - a law making it unlawful to knowingly disseminate or publish digitally deceptive media, falsely depicting a person who may be reasonably identified when the actor knew or should have known the person depicted did not consent to such dissemination or publication; and be it further

RESOLVED, That the Clerk shall publish a notice of the said Public Hearing, in the "Rockland Journal News," West Nyack, NY - said newspaper having been designated as an official newspaper of the County.

LG-2025-59-PH
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LOCAL LAW NO. OF 2025
COUNTY OF ROCKLAND
STATE OF NEW YORK
(Introduced by: Hon. Dana G. Stilley)

A local law making it unlawful to knowingly disseminate or publish digitally deceptive media, falsely depicting a person who may be reasonably identified when the actor knew or should have known the person depicted did not consent to such dissemination or publication.

Be it enacted by the legislature of the county of Rockland as follows:

Section 1. Name of local law.

This local law shall be known as “the Damaging Deepfake Act.”

Section 2. Legislative Intent

Digital replicas, or deepfakes, pose a serious threat to individuals across various sectors, including entertainers, politicians, and private citizens. The ability to manipulate images, videos, and audio recordings using AI technology has made it easier than ever to create deceptive and misleading content. As a result, there is an urgent need for legislation to protect individuals from the potential reputational and livelihood risks posed by unauthorized digital replicas.

While there are existing federal and state laws that touch on issues related to digital replicas, the U.S. Copyright Office has found that these laws are insufficient to fully address the harms associated with deepfakes. The Copyright Act, Federal Trade Commission Act, Lanham Act, and Federal Communications Commission Act, among others, are deemed too narrowly drawn to effectively combat the sophisticated digital replicas created with AI technology.

As technology continues to advance, it is crucial that legal frameworks evolve to protect individuals from the potential risks associated with unauthorized digital replicas. The U.S. Copyright Office’s call for federal legislation on AI and deepfakes signals a proactive approach to safeguarding against the misuse of AI technology. By implementing comprehensive measures to address the distribution of unauthorized digital replicas, lawmakers can help mitigate the harmful impact of deepfakes on individuals and society as a whole. Until such time as the state and federal government implement wider measures, the Rockland County Legislature seeks to begin that process by enacting legislation to protect at the local level.

Section 3. Definitions

- A. **CONSENT** - Permission that is knowingly, intelligently, and voluntarily given for the particular disclosure at issue.
- B. **DIGITALLY DECEPTIVE MEDIA** - Any video recording, motion-picture film, sound recording, electronic image, or photograph, or any technological representation of speech or conduct substantially derivative thereof
 - (i) which appears to authentically depict any speech or conduct of a person who did not in fact engage in such speech or conduct; and
 - (ii) the production of which was substantially dependent upon technical means, rather than the ability of another person to physically or verbally impersonate such person.
- C. **DISSEMINATE** - Shall have the same meaning as in Section 250.40 of the New York State Penal law, or any successor section thereof.
- D. **DIGITIZATION** - The use of software, machine learning, artificial intelligence, or any other computer-generated or technological means, including adapting, modifying, manipulating, or altering a realistic depiction.
- E. **HARASS** - Engaging in a course of conduct or repeatedly commit conduct that alarms or seriously annoys another person and which serves no legitimate purpose.
- F. **INTIMATE PART** - The naked genitals, pubic area, anus or female nipple of the person.
- G. **OBSCENE** - Shall have the same meaning as in Section 235.00 of the New York State Penal law, or any successor section thereof
- H. **PERSON** - A human being, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality.
- I. **PUBLISH** - Shall have the same meaning as in Section 250.40 of the New York State Penal law, or any successor section thereof.
- J. **SEXUAL CONDUCT** - Shall have the same meaning as in section 130.00 of the New York State Penal Law.

Section 4. Unlawful use of digitally deceptive material.

It shall be unlawful for any person:

- A. with the intent to harass, threaten, or alarm another person, to knowingly disseminate or publish Digitally Deceptive Media, depicting such other person who may reasonably be identified, with one or more Intimate Parts exposed or engaging in Obscene or Sexual Conduct, where the actor knew or reasonably should have known that the person depicted did not consent to such dissemination or publication;
- B. with intent to obtain a benefit, or injure or defraud another, to knowingly disseminate or publish Digitally Deceptive Media depicting another person and ascribing opinions or beliefs without that person's knowledge and consent. A contemporaneous notification that the media in question is not real or is for entertainment purposes only shall be a defense to this subsection.
- C. to commit any act of criminal impersonation prohibited by Sections 190.25 or 190.26 of the New York Penal Law through the use of Digitally Deceptive Media.

Section 5. Penalties.

- A. A violation of section 4 shall be a Class B misdemeanor, punishable by imprisonment for not more than thirty (30) days or by a fine or not more than five hundred dollars (\$500.00) or both.
- B. Any person who violates section 4 in the course of and/or in furtherance of the commission or attempted commission of another crime shall be guilty of a Class A misdemeanor and shall be punished by imprisonment for not more than a year or by a fine of not more than one thousand dollars (\$1,000.00) or both.
- C. Any person who violates section 4 and has previously been found guilty of a violation of this Chapter within the past ten years shall be guilty of a Class A misdemeanor and shall be punished by imprisonment for not more than a year or by a fine of not more than one thousand dollars (\$1,000.00) or both.

Section 6. Severability.

If any word, phrase, clause, sentence, paragraph, section, or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 7. Effective date.

This local law shall take effect immediately upon filing with the New York State Secretary of State.

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