

# Digital Identity AI Legislation Overview

Prepared for Solidarity 8/28/24

See all of the tracked digital identity bills at <http://www.legislationtracker.org>



# AB 1836

## Use of Likeness: Digital Replicas

### Summary:

Protects deceased people's digital replicas from unauthorized use and establishes a cause of action for damages. This bill helps keep control of how the images of deceased individuals are used, making sure their likeness is respected and not exploited.

### Impact on SAG-AFTRA Performers:

- Protects the legacy and rights of deceased performers by safeguarding their digital replicas from unauthorized commercial exploitation.
- Allows for compensation and legal recourse for unauthorized use, ensuring that families and estates can seek damages and enforce rights.

### Notes:

- LA Local President Jodi Long testified for this bill in Sacramento.
- SAG-AFTRA strongly supports this bill.

LINK to the bill ⇒ [CLICK HERE FOR AB 1836](#)

# AB 1836

Use of Likeness: Digital Replica

Author: CA Assemblymember Rebecca Bauer-Kahan  
<https://a16.asmdc.org/contact>

# AB 2602

## Contracts Against Public Policy: Personal or Professional Services: Digital Replicas

### Summary:

Addresses contracts involving digital replicas, making provisions unenforceable if they lack clear consent and detailed use terms. It ensures that individuals are notified if existing contracts use their digital likenesses.

### Impact on SAG-AFTRA Performers:

- Ensures performers **control their digital likenesses**, requiring clear terms and consent for use.
- Keeps **exclusivity terms enforceable** in contracts, even if digital likeness clauses are invalidated.

### Notes:

- Defines **digital replica** as a "computer-generated, electronic representation of the voice or likeness of an individual that is readily identifiable as that individual and fixed in a sound recording or audiovisual work."
- SAG-AFTRA **strongly supports** this bill.

LINK to the bill ⇒ [\*\*CLICK HERE FOR AB 1836\*\*](#)

# AB 2602

Contracts Against Public Policy:  
Personal or Professional Services:  
Digital Replicas

Author: CA Assemblymember Ash Kalra  
<https://a25.asmdc.org/contact-ash>

# SB 896

## Generative AI Accountability Act

### Summary:

Mandates state agencies to assess and report on the risks and management of AI technologies, emphasizing transparency and accountability in their use. It aims to ensure that AI communications are clearly marked and provide avenues for human interaction.

### Impact on SAG-AFTRA Performers:

- Enhances protection against deceptive AI practices, such as deepfakes.
- Promotes transparency, ensuring performers know when and how their likenesses are used by AI systems.

LINK to the bill ⇒ [CLICK HERE FOR SB 896](#)

# SB 896

## Generative AI Accountability Act

Author: CA Senator Bill Dodd

<https://sd03.senate.ca.gov/resources>



# SB 1047

## Safe and Secure Innovation for Frontier Artificial Intelligence Models Act

### Summary:

Establishes protocols for the safe development of AI, requiring regular reporting and accountability from developers. It aims to create a safe framework for AI innovation, preventing misuse.

### Impact on SAG-AFTRA Performers:

- Introduces safeguards against the unethical use of performers' likenesses.
- Provides a structure for performers to have recourse if their images or voices are used without permission.

### Notes:

- We call SB 1047 the "Anti-Armageddon" bill, because it aims to make the big AI companies (OpenAI, Anthropic, etc.) face transparency and accountability for the large models they create.
- Lots of resistance from the tech industry and US Congress via tech lobby

LINK to the bill ⇒ [CLICK HERE FOR SB 1047](#)

# SB 1047

Safe and Secure Innovation for Frontier  
Artificial Intelligence Models Act

Author: CA Senator Scott Wiener  
<https://sd11.senate.ca.gov/contact>

# AB 1831

## Crimes: Child Pornography

### Summary:

Amends existing laws to include AI-generated imagery, addressing the use of artificial intelligence to create or distribute child pornography. The bill expands the legal definition to cover depictions of minors engaged in sexual conduct through AI or computer-generated means, thereby enhancing legal measures against such exploitation.

### Impact on SAG-AFTRA Performers:

- Strengthens **protections for minors** in the entertainment industry from being exploited through new technologies.
- Supports **broader industry standards and practices** that safeguard ethical use of technology, indirectly benefiting all performers by promoting responsible content creation.

LINK to the bill ⇒ [\*\*CLICK HERE FOR SB 1831\*\*](#)

# AB 1831

Crimes: Child Pornography

Author: CA Assemblymember Marc Berman  
<https://a23.asmdc.org/contact>

# AB 3211

## California Provenance, Authenticity and Watermarking Standards

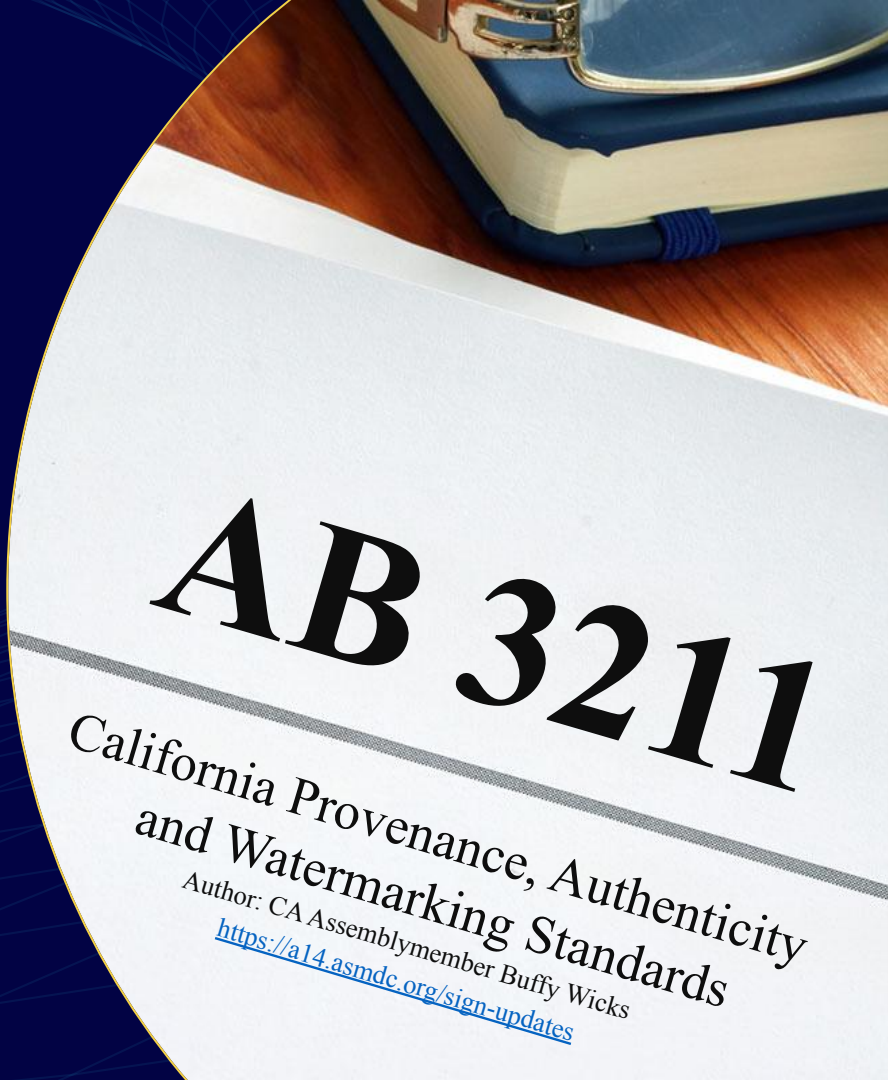
### Summary:

Requires AI-generated content to be watermarked and clearly labeled, making it easier to track and manage the use of digital content. In-device watermarking mandated on new cameras, microphones, etc.

### Impact on SAG-AFTRA Performers:

- Can aid performers track the use of their likenesses and ensure authenticity.
- Helps prevent unauthorized and fraudulent use of a performer's digital identity.

LINK to the bill ⇒ [CLICK HERE FOR AB 3211](#)



**AB 3211**  
California Provenance, Authenticity  
and Watermarking Standards  
Author: CA Assemblymember Buffy Wicks  
<https://a14.asmdc.org/sign-updates>

# SB 926

## Crimes: Distribution of Intimate Images

### Summary:

Criminalizes the creation and distribution of AI-generated intimate images without consent, expanding protections under existing privacy laws.

### Impact on SAG-AFTRA Performers:

- Provides legal protections against the unauthorized use of intimate images, offering recourse for performers whose images are exploited.

LINK to the bill ⇒ [CLICK HERE FOR SB 926](https://pluraltpolicy.com/app/person/8409/bills-sponsored?page=1)

# SB 926

## Crimes: Distribution of Intimate Images

Author: CA Senator Aisha Wahab

<https://pluraltpolicy.com/app/person/8409/bills-sponsored?page=1>



# AB 2013

## Generative Artificial Intelligence: Training Data Transparency

### Summary:

Mandates transparency in the training data used for AI systems, requiring developers to disclose the sources and nature of the data used.


### Impact on SAG-AFTRA Performers:

- Ensures performers have the **right to know and consent** to the use of their data in AI training sets.
- Promotes **ethical AI development practices**, with a focus on consent and transparency.

### Notes:

- This bill could pave the way for a **definition of informed consent** that protects individuals from exploitation, in and out of show business.

LINK to the bill ⇒ [\*\*CLICK HERE FOR AB 2013\*\*](#)



**AB 2013**

Generative Artificial Intelligence:  
Training Data Transparency

Author: CA Assemblymember Jacqui Irwin  
<https://fastdemocracy.com/bill-search/ca/legislators/CAL000198/>

# S

## NO FAKES Act

### Summary:

Strengthens protections for individuals' voice and visual likenesses against unauthorized digital manipulation, ensuring that their digital identities are safeguarded.

### Impact on SAG-AFTRA Performers:

- Enhances the ability of performers to control and protect their digital likenesses from unauthorized use, ensuring their images and voices aren't exploited without proper compensation or consent.
- Supports the legal framework that recognizes and prosecutes the unauthorized use of a performer's digital identity, thereby safeguarding their personal and professional interests.

### Notes:

- Strongly influenced by SAG-AFTRA legal staff.
- This bill defines a "digital replica" at the Federal level, naming it a **property right like intellectual property**
- Movement (PCAP) **not in** the legislation

LINK to the bill ⇒ **[CLICK HERE FOR THE NO FAKES ACT](#)**

# S

**NO FAKES Act**  
Author: US Senator Coons  
<https://www.coons.senate.gov/contact>



**END OF PRESENTATION**

# SB 970

## Artificial Intelligence Technology

### Summary:

Expands the definitions related to AI and synthetic voices and images, specifying that their misuse is considered false impersonation. This bill seeks to clarify the legal status of AI-generated content, aligning it with existing laws against impersonation and fraud.

### Impact on SAG-AFTRA Performers:

- Helps protect performers from being misrepresented by AI-generated synthetic voices or images.
- Provides a framework for legal action if a performer's likeness is used without consent, ensuring accountability.

LINK to the bill ⇒ [CLICK HERE FOR SB 970](#)

# SB 970

## Artificial Intelligence Technology

Author: CA Senator Angelique Ashby  
<https://sd08.senate.ca.gov/contact>