BILL DRAFT REQUEST 8

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THE ISSUE
- Artificial intelligence software is being widely used to create altered sexual content of people (deepfake pornography), **including many young people**, without their consent or knowledge.
  - As of 2023, there were over 95,000 deepfake (AI-generated) videos online. 98% of deepfakes online were sexual, and **99% of deepfake pornography targeted women** (securityhero.io).
  - Deepfake pornography is often used to harass an innocent person, causing **severe emotional distress** by violating their privacy and damaging their reputation (The Washington Post).
  - In most reported cases, teens are victimized by deepfakes by **predators in their own schools**. This deepfake content quickly spreads in the community, creating stigma (The New York Times).
- Deepfake pornography is more prevalent in Nevada than it may appear. Many victims don't report deepfakes because **there is often NO way to report deepfakes.**
  - The news media has not reported on specific deepfake crimes within the state of Nevada. Yet, the BDR's author was able to speak to **four Nevada teenagers** who were victims of deepfake pornography. An overview of their testimonies will be presented at the October 22 meeting.
  - **Nevada law is behind** on this issue among the states. Existing Nevada law on child pornography is ambiguous on artificial intelligence, and has **never been enforced** for deepfakes. Existing law **cannot** be applied to deepfake pornography of an adult victim (NRS 200.700-200.790).
- Young people are highly exposed to harmful online pornography, including deepfakes.
  - 54% of American teens had viewed porn by age 13, and 52% of these teens had viewed violent pornography, **including videos of rape and people in pain** (Common Sense Media).
  - Pornography is highly linked to mental health issues, objectification, and sexual violence, factoring into the decision to create deepfake pornography and **harm one's peers** (UNICEF).
  - Deepfake sites received **more than 35 million views** in 2023 (securityhero.io).

THE SOLUTION
- BDR 8 fights deepfake pornography and other sex crimes by requiring websites to verify the age of users who attempt to view or upload sexual material **with government I.D. or public records**.
  - **Fast and secure** age verification for websites is widely available through third-party providers.
  - Age verification **prevents** minors from publishing or viewing deepfake content of their peers.
  - Age verification also stops youth from posting real sexual content of themselves and becoming victims of **sextortion (blackmail involving nude images)** (Stanford Cyber Policy Center).
- BDR 8 **deters deepfake creation** by classifying production or distribution of deepfake pornography as a category C felony and allowing the victim to seek monetary damages via civil action.
  - Real-world research shows that **a reminder of the law is most effective** at preventing online sex crimes (Prichard et al., Scanlan et al.). Reminders about the legal consequences of deepfake pornography can be implemented by websites and web providers operating in Nevada.
  - Felony categorization is **similar or less severe** than that for related crimes, including production of child pornography and distributing leaked nude images (NRS 200.700-200.790).
  - BDR 8 allows a **sealed civil case** in a Nevada Justice Court (decides civil matters **up to $10,000**) against producers and distributors of deepfake pornography.
- **No fiscal impact** – relies on reports from the public and does not require additional internet patrolling.