Information Technology & Cybersecurity

Meeting Agenda

Committee Chair: Judah Holstein

800 Michaelian Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Wednesday, September 25, 2024 **2:00 PM** **Committee Room**

CALL TO ORDER

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website: https://westchestercountyny.legistar.com/ This website also provides links to materials for all matters to be discussed at a given meeting.

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

Presentation on cybersecurity, safety, and digital hygiene

GUESTS: TSG: Vance Long, Managing Principle

II. OTHER BUSINESS

III. RECEIVE & FILE

1. 2024-399 **HON. JUDAH HOLSTEIN: MEMO OF LEGISLATION - Prohibiting the Misuse of Digitally Deceptive Materials**

A Memorandum of Legislation Prohibiting the Misuse of Digitally Deceptive Materials.

COMMITTEE REFERRAL: COMMITTEE ON INFORMATION TECHNOLOGY & CYBERSECURITY

ADJOURNMENT

Judah Holstein
Legislator, 10th District
Chair, Committee on Information Technology & Cybersecurity

Committee Assignments:
Appointments
Budget & Appropriations
Economic Development

MEMORANDUM OF LEGISLATION

DATE: July 15, 2024

TITLE: Prohibiting the Misuse of Digitally Deceptive Materials

SPONSOR: Legislator Holstein

PURPOSE OR GENERAL IDEA OF BILL: To provide criminal penalties for:
1. the misuse of digitally deceptive materials in the second degree; and
2. the misuse of digitally deceptive materials in the first degree

INTENT: To leverage the county's authority to enact misdemeanors to prohibit the misuse of digitally deceptive materials.

JUSTIFICATION: The Laws of Westchester County should set forth two distinct misdemeanors related to the misuse of digitally deceptive materials. The first misdemeanor should provide that a person is guilty of the misuse of digitally deceptive materials in the second degree when such materials depict an identifiable person, are circulated without the identifiable person's consent, and the circulation of such materials have caused harm to the identifiable person.

The second misdemeanor should provide that a person is guilty of the misuse of digitally deceptive materials in the first degree when they commit the crime of misuse of digitally deceptive materials in the second degree and such misuse was for the purpose of committing or furthering another crime.

The law should also provide a definition for "digitally deceptive material." The definition must be broad enough to capture any representation or depiction, including visual or vocal representations, of an identifiable person, by use of any computer technology including but not limited to software, machine learning, artificial intelligence, and any other computer or technological means used to create a realistic depiction.

There is a pressing need for legislative action to address the growing threats posed by the misuse of digitally deceptive materials, especially when artificial intelligence (AI) and deepfake technology has been leveraged. Recent events, including incidents of Biden impersonation calls and the harassment of public figures like Taylor Swift, highlight the need for robust legal frameworks to mitigate the risks of malicious behavior facilitated by AI and other evolving technologies.

The risks associated with digitally deceptive materials created by AI and other technologies are diverse and include harassment, fraud, extortion, injury, cyberstalking, and more. Seniors and youth, in particular, are vulnerable to these threats, making it imperative that we take proactive measures to protect our communities. While existing penal laws may cover some specific crimes committed using evolving technologies, there are still significant gaps. As such, the enactment of a more comprehensive law specifically targeting the misuse of digitally deceptive materials is not only desirable but necessary to safeguard our constituents.

PRESENT LAW: NONE.

MHF/mhf

Tel: (914) 995-2817 • Fax: (914) 995-3884 • E-mail: Holstein@westchesterlegislators.com