

LOCAL LAW INTRO. NO. -2024

A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 610 in relation to prohibiting the unlawful use of digitally deceptive material.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. The Laws of Westchester County are hereby amended by the addition of a new Chapter 610 to read as follows:

Chapter 610

UNLAWFUL USE OF DIGITALLY DECEPTIVE MATERIAL

Sec. 610.01. Definitions.

Sec. 610.11. Unlawful use of digitally deceptive material.

Sec. 610.21. Criminal impersonation through the use of digitally deceptive material.

Sec. 610.31. Penalties.

Sec. 610.41. Severability.

Sec. 610.01. - Definitions.

1. **Consent.** Permission that is knowingly, intelligently, and voluntarily given for the particular disclosure at issue.
2. **Disseminate.** Shall have the same meaning as in Section 250.40 of the New York State Penal law, or any successor section thereof.
3. **Digitally Deceptive Media.** Any still or video image, audio, text, or technological representation of a person's name, portrait, picture, likeness, or voice, either fully or partially created or modified that: (i) exhibits a high level of authenticity or convincing appearance that is visually or audibly indistinguishable from reality to a reasonable person; (ii) depicts a scenario

that did not actually occur or that has been altered in a significant way from how it actually occurred; and (iii) is created by or through Digitization.

4. **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.
5. **Harass.** Engaging in a course of conduct or repeatedly commit conduct that alarm or seriously annoy another person and which serve no legitimate purpose.
6. **Intimate Part.** The naked genitals, pubic area, anus or female nipple of the person.
7. **Obscene.** Shall have the same meaning as in Section 235.00 of the New York State Penal law, or any successor section thereof
8. **Person.** A human being, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality.
9. **Publish.** Shall have the same meaning as in Section 250.40 of the New York State Penal law, or any successor section thereof.
10. **Sexual conduct.** Shall have the same meaning as in section 130.00 of the New York State Penal Law.

Sec. 610.11. – Unlawful use of digitally deceptive material.

It shall be unlawful for any person, 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.

Sec. 610.21 – Criminal impersonation through the use of digitally deceptive material.

It shall be unlawful for a person to commit any act prohibited by Sections 190.25 or 190.26 of the New York Penal Law through the use of Digitally Deceptive Material.

Sec. 610.31. - Penalties.

1. A violation of sections 610.11 or 610.21 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.
2. Any person who violates sections 610.11 or 610.21 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 (\$1000.00) or both.
3. Any person who violates sections 610.11 or 610.21 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 (\$1000.00) or both.

Sec. 610.41. - 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 2. Effective date. This Local Law shall take effect immediately.

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