



**ANDRÉ JACQUE**

STATE SENATOR • 1<sup>ST</sup> SENATE DISTRICT

Phone: (608) 266-3512

Fax: (608) 282-3541

Sen.Jacque@legis.wi.gov

State Capitol · P.O. Box 7882

Madison, WI 53707-7882

## *Testimony before the Senate Committee on Judiciary and Public Safety*

Senator André Jacque

*February 18, 2025*

Chairman Wanggaard and Colleagues:

Thank you for the opportunity to testify as the author in support of Senate Bill 33, which updates state law to protect victims from artificially made ‘deep fake’ pornography.

As the capabilities of artificial intelligence (AI) become more and more advanced, bad actors are increasingly using artificially generated sexually explicit images to harass and intimidate innocent people online. A study from the cybersecurity company Deeptrace found that about 96% of “deep fake” material is non-consensual pornography. This legislation would strengthen and modernize Wisconsin law by making it a felony to create, store, reproduce, or disseminate sexually explicit deep fakes without the consent of the person who is being depicted. The bill would also make it a misdemeanor to reproduce sexually explicit “private images,” which are voluntarily taken but not intended to be shared widely.

Current state law prohibits non-consensual creation and dissemination of representations depicting nudity but does not directly address the unauthorized creation of sexually explicit images known as “deep fakes,” which, for example, use an existing picture of a person’s face to create a new, hyper-realistic pornographic image. This bill would protect against a new and disturbing form of cyber-abuse and ensure that all Wisconsinites can feel comfortable sharing regular images of themselves online without fearing that those images will be manipulated or corrupted into pornography.

This bill would also strengthen and update Wisconsin law by making it a felony to hack, intercept, or otherwise steal sexually explicit images from someone’s phone or other digital devices. Current state law does not specifically prohibit someone from obtaining an intimate image voluntarily taken by another person on their phone who has not shared it with anyone else.

This proposal is a redraft of 2023 Senate Bill 553, which passed the full Senate on a 32-0 vote last session.

Thank you for your consideration of Senate Bill 33. I’m happy to answer any questions.

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# BRENT JACOBSON

STATE REPRESENTATIVE • 87<sup>th</sup> ASSEMBLY DISTRICT

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**To:** Senate Committee on Judiciary and Public Safety

**From:** Representative Brent Jacobson

**Date:** Tuesday, February 18<sup>th</sup> 2025

## Testimony on Senate Bill 33

Chairman Wanggaard, Vice-Chair James, and other members of the Senate Committee on Judiciary and Public Safety,

As the author of the Assembly companion to SB 33, I want to thank you for the opportunity to submit written testimony on this bill. In the past several years, there have been tremendous advancements in artificial intelligence and digital image generation. This technology, creating what is commonly referred to as a "deepfake", has many applications that can be seen as harmless. However, without the proper legal protections, it also enables intimidation, harassment, and abuse.

Under current state law, it is a felony to post or publish a private representation of a person without their consent. However, current law does not take into account "deepfake" technology. Using technology widely available today, a malicious actor can take an existing image and create and share synthetic nude or sexual depictions of individuals, and under current law they will face no repercussions. This bill would make it a Class I felony to create and distribute a synthetic intimate representation in order to coerce, harass, or intimidate the person being depicted.

Additionally, this bill would make it a felony to hack or reproduce a private representation. This would be any nude or sexually explicit image which was intended for one person, but was not intended to be shared more widely. It has been illegal in Wisconsin to post or publish these images without consent for over a decade.

Last year, the Wisconsin legislature took steps to prevent deepfakes from being used to manipulate our elections or create pornographic images of children. As advances in technology allow for even more convincing artificial images, as well as enable greater breaches of privacy, it is critical that Wisconsin law keep pace and protect innocent people from cyber-abuse. Thank you for your consideration of this legislation.