



Senator Angelique V. Ashby, 8th Senate District

SB 970 – Artificial intelligence: protections

Establishes guardrails to protect consumers from artificial intelligence technology

SUMMARY

SB 970 establishes a legal framework for regulating artificial intelligence voice, image, and video cloning technology. This bill strikes a balanced approach between regulating rapidly advancing artificial intelligence technologies and allowing continued innovation in the sector, while protecting consumers across California at the same time.

BACKGROUND

The rise of artificial intelligence (AI) presents an opportunity for continued innovation in various industries. Artificial intelligence has pushed the boundaries of how machines operate and function to make human lives easier. At its core, AI is about problem solving, and it is quickly becoming an essential part of everyday life. However, with technology advancing rapidly, it is imperative to establish guardrails that safeguard consumers from the possible harms of artificial intelligence.

Recognizing this issue, leaders on both national and state levels have taken proactive measures to protect consumers. President Joe Biden and Governor Gavin Newsom have taken various steps to protect consumers, including the release of the Blueprint for an AI Bill of Rights and the recent Executive Order N-12-23. Additionally, since 2019, 17 states have enacted legislation aimed at regulating the design, development, and deployment of AI, primarily focusing on data privacy and accountability.¹

Despite these efforts, the regulatory landscape struggles to keep pace with the rapid advancement of AI, leaving consumers in a dangerous gray area. As AI systems evolve towards greater autonomy, we risk losing control over these systems, leading to unintended and potentially harmful consequences without any accountability.

¹ [Council of State Governments](#)

THE PROBLEM

The lack of a comprehensive legal framework for addressing the challenges posed by AI is troubling. This leaves individuals vulnerable to various forms of exploitation, including identity theft, scams, and misinformation.

Deepfakes, fueled by advancements in AI technology, have become increasingly convincing and easier to create. Deepfakes involve altering videos, photos, or audio recordings to make it appear as though someone is saying or doing something they never did.² The proliferation of deepfakes undermines public trust in digital media and poses significant challenges to the integrity of evidence in legal proceedings.

The rise in deepfake technology has led to a surge in fraudulent activities, with deepfake-related fraud cases more than doubling in the United States from 2022 to early 2023.³ Reports also indicate a global increase in AI-generated deepfakes across industries, with a 10x increase in AI-generated deepfakes reported, rooted in identity theft, scams, and misleading information.⁴

Global awareness of deepfakes remains low, with 71% of respondents in a survey not knowing what a deepfake is.⁵ Additionally, about 90% of Americans say that altered videos and images cause harm by creating doubt and uncertainty around the facts of current events and potentially controversial issues.⁶ Efforts to regulate AI technology should focus on enhancing public awareness and education about the

² [US Government Accountability Office](#)

³ [Forced Verification and AI/Deepfake Cases Multiply at Alarming Rates](#)

⁴ [APAC Deepfake Incidents Surge 1530% in the Past Year Amidst Evolving Global Fraud Landscape](#)

⁵ [Deepfake Statistics & Solutions: How Can You Protect Against Deepfakes?](#)

⁶ [Pew Research Center](#)

risks associated with deepfakes, empowering individuals to identify and mitigate potential threats.

The rapid advancement in AI, especially in voice, image, and video cloning technologies, requires a proactive and well-informed approach to regulation. Understanding and defining this technology is crucial to effectively regulating its misuse and protecting individuals from abuse and misinformation, while still supporting ethical innovation and advancement.

THE SOLUTION

SB 970 provides a balanced and forward-looking legislative framework in order to protect consumers from possible harms of artificial intelligence. This bill focuses on balancing innovation and individual privacy to prevent abuse and disinformation through the following:

Establishing Penal Code Violations

- Clarifies that a person commits an offense if they knowingly use AI voice or video cloning technology to replicate another individual's name, voice, signature, photograph, or likeness without such person's prior consent.

Legal Recourse for Victims

- Grants individuals the right to initiate civil litigation against parties who use AI cloning technology to replicate their name, voice, signature, photograph, or likeness, leading to false personation.

Prevention of AI-Generated Evidence Tampering

- Directs Judicial Council to review the impact of artificial intelligence on the introduction of evidence in court proceedings and develop any necessary rules to help courts evaluate evidence generated or manipulated by artificial intelligence.

Mandatory Consumer Warnings on AI Cloning Software

- Creates mandatory consumer warnings on AI cloning software, including warning requirements for all websites offering AI voice, image, or video cloning technology, and compliance monitoring overseen by the Department of Justice.

SUPPORT

- Josh Bocanegra, cofounder of Persona (sponsor)
- PERK Advocacy

FOR MORE INFORMATION

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