

118TH CONGRESS
2D SESSION

H. R. 7567

To amend title 18, United States Code, to prohibit the production or distribution of digital forgeries of intimate visual depictions of identifiable individuals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2024

Ms. MACE (for herself, Mrs. LUNA, Mr. GAETZ, and Mr. GOOD of Virginia) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prohibit the production or distribution of digital forgeries of intimate visual depictions of identifiable individuals, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protect Victims of Dig-
5 ital Exploitation and Manipulation Act of 2024”.

1 **SEC. 2. DIGITAL FORGERIES OF INTIMATE VISUAL DEPIC-**
2 **TIONS.**

3 (a) IN GENERAL.—Chapter 88 of title 18, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 1802. Prohibition of production or distribution of**
7 **digital forgeries of intimate visual depic-**
8 **tions of identifiable individuals**

9 “(a) OFFENSE.—Except as provided in subsection
10 (b), whoever knowingly or recklessly produces or distrib-
11 utes, or causes to be produced or distributed, in or affect-
12 ing interstate or foreign commerce or using any means,
13 channel, facility, or instrumentality of interstate or foreign
14 commerce, a digital forgery of an identifiable individual,
15 without the consent of the identifiable individual shall be
16 fined under this title, imprisoned not more than 5 years,
17 or both.

18 “(b) EXCEPTIONS.—

19 “(1) IN GENERAL.—This section shall not apply
20 with respect to a distribution made in good faith—

21 “(A) to a law enforcement officer or agen-
22 cy;

23 “(B) as part of a legal proceeding;

24 “(C) as part of medical education, diag-
25 nosis, or treatment; or

26 “(D) in the reporting or investigation of—

1 “(i) unlawful content; or

2 “(ii) unsolicited or unwelcome con-
3 duct.

4 “(2) SERVICE PROVIDERS.—This section shall
5 not apply to any provider of a communications serv-
6 ice with regard to content provided by another infor-
7 mation content provider unless the provider of the
8 communications service knowingly or recklessly dis-
9 tributes content in violation of this section.

10 “(c) DEFINITIONS.—In this section:

11 “(1) CONSENT.—The term ‘consent’ means an
12 affirmative, conscious, competent, and voluntary au-
13 thorization made by the individual free from force,
14 fraud, misrepresentation, or coercion, whether or not
15 the individual is a public figure.

16 “(2) DIGITAL FORGERY.—The term ‘digital for-
17 gery’ means any intimate visual depiction of an indi-
18 vidual created through the use of software, machine
19 learning, artificial intelligence, or any other com-
20 puter-generated means, including by adapting, modi-
21 fying, manipulating, or altering an authentic visual
22 depiction, to appear to a reasonable person to be an
23 authentic visual depiction of the individual.

24 “(3) IDENTIFIABLE INDIVIDUAL.—The term
25 ‘identifiable individual’ means an individual whose

body appears in whole or in part in an intimate visual depiction and who is identifiable by virtue of the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature, or from information displayed in connection with the visual depiction.

“(4) INTIMATE VISUAL DEPICTION.—The term ‘intimate visual depiction’ means a visual depiction, as that term is defined in section 2256(5) of title 18, that depicts—

“(A) the uncovered genitals, pubic area, anus, or female nipple of an identifiable individual;

“(B) the display or transfer of bodily sexual fluids—

“(i) on to any part of the body of an identifiable individual; or

“(ii) from the body of an identifiable individual; or

“(C) an identifiable individual engaging in sexually explicit conduct.

“(5) SEXUALLY EXPLICIT CONDUCT.—The term ‘sexually explicit conduct’ has the meaning given the term in subparagraph (A) of section 2256(2) of title 18.

1 “(6) COMMUNICATIONS SERVICE.—The term
2 ‘communications service’ means—

3 “(A) a service provided by a person that is
4 a common carrier, as that term is defined in
5 section 3 of the Communications Act of 1934
6 (47 U.S.C. 153), insofar as the person is acting
7 as a common carrier;

8 “(B) an electronic communication service,
9 as that term is defined in section 2510;

10 “(C) an information service, as that term
11 is defined in section 3 of the Communications
12 Act of 1934 (47 U.S.C. 153); and

13 “(D) an interactive computer service, as
14 that term is defined in section 230(f) of the
15 Communications Act of 1934 (47 U.S.C.
16 230(f)).

17 “(7) INFORMATION CONTENT PROVIDER.—The
18 term ‘information content provider’ has the meaning
19 given such term in section 230(f) of the Communica-
20 tions Act of 1934 (47 U.S.C. 230(f)).

21 “(d) EXTRATERRITORIALITY.—There is
22 extraterritorial Federal jurisdiction over an offense under
23 this section if the alleged offender or the identifiable indi-
24 vidual is a national of the United States (as defined in
25 section 1101(a)(22) of title 8).”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 for chapter 88 of title 18, United States Code, is amended
3 by adding at the end the following:

“1802. Prohibition of production or distribution of digital forgeries of intimate
visual depictions of identifiable individuals.”.

4 **SEC. 3. SEVERABILITY.**

5 The provisions of this Act shall be severable. If any
6 provision of this Act, or any application thereof, is found
7 unconstitutional, that finding shall not affect any provi-
8 sion or application of the Act not so adjudicated.

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