

119TH CONGRESS
2D SESSION

S. 1837

AN ACT

To improve rights to relief for individuals affected by non-consensual activities involving intimate digital forgeries, 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,*

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Disrupt Explicit
3 Forged Images And Non-Consensual Edits Act of 2025”
4 or the “DEFIANCE Act of 2025”.

5 SEC. 2. FINDINGS.

6 Congress finds the following:

7 (1) Digital forgeries, often called deepfakes, are
8 synthetic images and videos that look realistic. The
9 technology to create digital forgeries is now ubiq-
10 uitous and easy to use. Hundreds of apps are avail-
11 able that can quickly generate digital forgeries with-
12 out the need for any technical expertise.

13 (2) Digital forgeries can be wholly fictitious but
14 can also manipulate images of real people to depict
15 sexually intimate conduct that did not occur. For ex-
16 ample, some digital forgeries will paste the face of
17 an individual onto the body of a real or fictitious in-
18 dividual who is nude or who is engaging in sexual
19 activity. Another example is a photograph of an indi-
20 vidual that is manipulated to digitally remove the
21 clothing of the individual so that the person appears
22 to be nude.

23 (3) The individuals depicted in such digital for-
24 geries are profoundly harmed when the content is
25 produced with intent to disclose, disclosed, or ob-
26 tained without the consent of those individuals.

1 These harms are not mitigated through labels or
2 other information that indicates that the depiction is
3 fake.

4 (4) It can be destabilizing to victims whenever
5 those victims are depicted in intimate digital for-
6 geries against their will, as the privacy of those vic-
7 tims is violated and the victims lose control over
8 their likeness and identity.

9 (5) Victims can feel helpless because the vic-
10 tims—

11 (A) may not be able to determine who has
12 created the content; and

13 (B) do not know how to prevent further
14 disclosure of the intimate digital forgery or how
15 to prevent more forgeries from being made.

16 (6) Victims may be fearful of being in public
17 out of concern that individuals the victims encounter
18 have seen the digital forgeries. This leads to social
19 rupture through the loss of the ability to trust, stig-
20 matization, and isolation.

21 (7) Victims of non-consensual, sexually intimate
22 digital forgeries may experience depression, anxiety,
23 and suicidal ideation. These victims may also experi-
24 ence the “silencing effect” in which the victims with-

1 draw from online spaces and public discourse to
2 avoid further abuse.

3 (8) Digital forgeries are often used to—

4 (A) harass victims, interfering with their
5 employment, education, reputation, or sense of
6 safety; or

7 (B) commit extortion, sexual assault, do-
8 mestic violence, and other crimes.

9 (9) Because of the harms caused by non-con-
10 sensual, sexually intimate digital forgeries, such dig-
11 ital forgeries are considered to be a form of image-
12 based sexual abuse.

13 **SEC. 3. CIVIL ACTION RELATING TO DISCLOSURE OF INTI-
14 MATE IMAGES.**

15 (a) **DEFINITIONS.**—Section 1309 of the Consolidated
16 Appropriations Act, 2022 (15 U.S.C. 6851) is amended—

17 (1) in the section heading, by inserting “**OR**
18 **NONCONSENSUAL ACTIVITY INVOLVING DIG-
19 ITAL FORGERIES**” after “**INTIMATE IMAGES**”;

20 and

21 (2) in subsection (a)—

22 (A) in paragraph (2), by inserting “com-
23 petent,” after “conscious,”;

24 (B) by striking paragraph (3);

1 (C) by redesignating paragraph (4) as
2 paragraph (3);

3 (D) by redesignating paragraphs (5) and
4 (6) as paragraphs (6) and (7), respectively;

5 (E) by inserting after paragraph (3) the
6 following:

7 “(4) IDENTIFIABLE INDIVIDUAL.—The term
8 ‘identifiable individual’ means an individual whose
9 body appears in whole or in part in an intimate vis-
10 ual depiction or intimate digital forgery and who is
11 identifiable by virtue of the individual’s face, like-
12 ness, or other distinguishing characteristic, such as
13 a unique birthmark or other recognizable feature, or
14 from information displayed in connection with the
15 intimate visual depiction or intimate digital forgery.

16 “(5) INTIMATE DIGITAL FORGERY.—

1 “(ii) is created through the use of
2 software, machine learning, artificial intel-
3 ligence, or any other computer-generated
4 or technological means, including by adapt-
5 ing, modifying, manipulating, or altering
6 an authentic visual depiction; and

7 “(iii) is indistinguishable from an au-
8 thentic visual depiction of the identifiable
9 individual when viewed as a whole by a
10 reasonable person.

11 “(B) LABELS, DISCLOSURE, AND CON-
12 TEXT.—Any visual depiction described in sub-
13 paragraph (A) constitutes an intimate digital
14 forgery for purposes of this paragraph regard-
15 less of whether a label, information disclosed
16 with the visual depiction, or the context or set-
17 ting in which the visual depiction is disclosed
18 states or implies that the visual depiction is not
19 authentic.”; and

20 (F) in paragraph (6)(A), as so redesign-
21 ated—

22 (i) in clause (i), by striking “or” at
23 the end;
24 (ii) in clause (ii)—

(I) in subclause (I), by striking “individual;” and inserting “individual; or”; and

(II) by striking subclause (III);
and

(iii) by adding at the end the following:

“(iii) an identifiable individual engaging in sexually explicit conduct; and”.

10 (b) CIVIL ACTION.—Section 1309(b) of the Consoli-
11 dated Appropriations Act, 2022 (15 U.S.C. 6851(b)) is
12 amended—

13 (1) in paragraph (1)—

14 (A) by striking subparagraph (A) and in-
15 serting the following:

16 “(A) IN GENERAL.—Except as provided in
17 paragraph (5)—

1 able individual has not consented to such
2 disclosure, may bring a civil action against
3 that person in an appropriate district court
4 of the United States for relief as set forth
5 in paragraph (3);

6 “(ii) an identifiable individual who is
7 the subject of an intimate digital forgery
8 may bring a civil action in an appropriate
9 district court of the United States for re-
10 lief as set forth in paragraph (3) against
11 any person that knowingly produced or
12 possessed the intimate digital forgery with
13 intent to disclose it, knowingly disclosed
14 the intimate digital forgery, or knowingly
15 solicited and received the intimate digital
16 forgery, if—

17 “(I) the identifiable individual
18 did not consent to such production or
19 possession with intent to disclose, dis-
20 closure, or solicitation and receipt;

21 “(II) the person knew or reck-
22 lessly disregarded that the identifiable
23 individual did not consent to such pro-
24 duction or possession with intent to

1 disclose, disclosure, or solicitation and
2 receipt; and

3 “(III) such production or posses-
4 sion with intent to disclose, disclosure,
5 or solicitation and receipt, is in or af-
6 fects interstate or foreign commerce
7 or uses any means or facility of inter-
8 state or foreign commerce; and

9 “(iii) an identifiable individual who is
10 the subject of an intimate digital forgery
11 may bring a civil action in an appropriate
12 district court of the United States for re-
13 lief as set forth in paragraph (3) against
14 any person that knowingly produced the
15 intimate digital forgery if—

16 “(I) the identifiable individual
17 did not consent to such production;

18 “(II) the person knew or reck-
19 lessly disregarded that the identifiable
20 individual—

21 “(aa) did not consent to
22 such production; and

23 “(bb) was harmed, or was
24 reasonably likely to be harmed,
25 by the production; and

1 “(III) such production is in or
2 affects interstate or foreign commerce
3 or uses any means or facility of inter-
4 state or foreign commerce.”; and

5 (B) in subparagraph (B)—

6 (i) in the subparagraph heading, by
7 inserting “IDENTIFIABLE” before “INDI-
8 VIDUALS”; and

9 (ii) by striking “an individual who is
10 under 18 years of age, incompetent, inca-
11 pacitated, or deceased, the legal guardian
12 of the individual” and inserting “an identi-
13 fiable individual who is under 18 years of
14 age, incompetent, incapacitated, or de-
15 ceased, the legal guardian of the identifi-
16 able individual”;

17 (2) in paragraph (2)—

18 (A) in subparagraph (A)—

19 (i) by inserting “identifiable” before
20 “individual”;

21 (ii) by striking “depiction” and insert-
22 ing “intimate visual depiction or intimate
23 digital forgery”; and

(iii) by striking “distribution” and inserting “disclosure, solicitation, or possession”; and

(B) in subparagraph (B)—

- (i) by inserting “identifiable” before “individual”;

(ii) by inserting “or intimate digital forgery” after “depiction” each place it appears; and

(iii) by inserting “, solicitation, or possession” after “disclosure”;

12 (3) by redesignating paragraph (4) as para-
13 graph (5);

14 (4) by striking paragraph (3) and inserting the
15 following:

16 “(3) RELIEF.—

“(A) IN GENERAL.—In a civil action filed under this section, an identifiable individual may recover—

1 “(B) PUNITIVE DAMAGES AND OTHER RE-
2 LIEF.—The court may, in addition to any other
3 relief available at law, award punitive damages
4 or order equitable relief, including a temporary
5 restraining order, a preliminary injunction, or a
6 permanent injunction ordering the defendant to
7 delete, destroy, or cease to display or disclose
8 the intimate visual depiction or intimate digital
9 forgery.

10 “(C) DAMAGES.—For purposes of subparagraph
11 (A)(i), the identifiable individual may re-
12 cover—

13 “(i) liquidated damages in the amount
14 of—

15 “(I) \$150,000; or

16 “(II) \$250,000 if the conduct at
17 issue in the claim was—

18 “(aa) committed in relation
19 to actual or attempted sexual as-
20 sault, stalking, or harassment of
21 the identifiable individual by the
22 defendant; or

23 “(bb) the direct and prox-
24 imate cause of actual or at-
25 tempted sexual assault, stalking,

or harassment of the identifiable individual by any person; or

“(ii) actual damages sustained by the individual, which shall include any profits the defendant that are attributable to conduct at issue in the claim that are otherwise taken into account in computing the actual damages.

9 “(D) CALCULATION OF DEFENDANT’S
10 PROFIT.—For purposes of subparagraph (C)(ii),
11 to establish the defendant’s profits, the identifi-
12 able individual shall be required to present
13 proof only of the gross revenue of the defend-
14 ant, and the defendant shall be required to
15 prove the deductible expenses of the defendant
16 and the elements of profit attributable to fac-
17 tors other than the conduct at issue in the
18 claim.

19 “(4) PRESERVATION OF PRIVACY.—In a civil
20 action filed under this section, the court may issue
21 an order to protect the privacy of a plaintiff, includ-
22 ing by—

23 “(A) permitting the plaintiff to use a pseu-
24 donym;

1 “(B) requiring the parties to redact the
2 personal identifying information of the plaintiff
3 from any public filing, or to file such documents
4 under seal; and

5 “(C) issuing a protective order for pur-
6 poses of discovery, which may include an order
7 indicating that any intimate visual depiction or
8 intimate digital forgery shall remain in the
9 care, custody, and control of the court.”;

10 (5) in paragraph (5)(A), as so redesignated—

11 (A) by striking “image” and inserting “vis-
12 ual depiction or intimate digital forgery”; and

13 (B) by striking “depicted” and inserting
14 “identifiable”; and

15 (6) by adding at the end the following:

16 “(6) STATUTE OF LIMITATIONS.—Any action
17 commenced under this section shall be barred unless
18 the complaint is filed not later than 10 years from
19 the later of—

20 “(A) the date on which the identifiable in-
21 dividual reasonably discovers the violation that
22 forms the basis for the claim; or

23 “(B) the date on which the identifiable in-
24 dividual reaches 18 years of age.

1 “(7) DUPLICATIVE RECOVERY BARRED.—No re-
2 lief may be ordered under paragraph (3) against a
3 person who is subject to a judgment under section
4 2255 of title 18, United States Code, for the same
5 conduct involving the same identifiable individual
6 and the same intimate visual depiction or intimate
7 digital forgery.”.

8 (c) CONTINUED APPLICABILITY OF FEDERAL,
9 STATE, AND TRIBAL LAW.—

10 (1) IN GENERAL.—This Act shall not be con-
11 strued to impair, supersede, or limit a provision of
12 Federal, State, or Tribal law.

13 (2) NO PREEMPTION.—Nothing in this Act
14 shall prohibit a State or Tribal government from
15 adopting and enforcing a provision of law governing
16 disclosure of intimate images or nonconsensual activ-
17 ity involving an intimate digital forgery, as defined
18 in section 1309(a) of the Consolidated Appropriations
19 Act, 2022 (15 U.S.C. 6851(a)), as amended by
20 this Act, that is at least as protective of the rights
21 of a victim as this Act.

22 **SEC. 4. SEVERABILITY; RULE OF CONSTRUCTION.**

23 (a) SEVERABILITY.—If any provision of this Act, an
24 amendment made by this Act, or the application of such
25 a provision or amendment to any person or circumstance,

1 is held to be unconstitutional, the remaining provisions of
2 and amendments made by this Act, and the application
3 of the provision or amendment held to be unconstitutional
4 to any other person or circumstance, shall not be affected
5 thereby.

6 (b) RULE OF CONSTRUCTION.—Nothing in this Act,
7 or an amendment made by this Act, shall be construed
8 to limit or expand any law pertaining to intellectual prop-
9 erty.

Passed the Senate January 13, 2026.

Attest:

Secretary.

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