

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 649 Session of
2025

INTRODUCED BY PENNYCUICK, KANE, TARTAGLIONE, BROWN, LAUGHLIN,
FONTANA, VOGEL, PISCIOTTANO, ROBINSON, STEFANO, J. WARD AND
MILLER, APRIL 29, 2025

AS AMENDED ON SECOND CONSIDERATION, JUNE 9, 2025

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in forgery and fraudulent practices,
3 providing for the offense of digital forgery.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 18 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 4101.1. Digital forgery.

9 (a) Offense defined.--A person is guilty of digital forgery
10 if, with intent to defraud or injure anyone, or with knowledge
11 and intent the person is facilitating a fraud or injury to be
12 perpetrated by anyone, the person:

13 (1) generates or creates and distributes a forged
14 digital likeness as genuine; and

15 (2) knows or reasonably should know the visual
16 representation or audio recording is a forged digital
17 likeness.

18 (b) Grading.--

1 (1) A person who violates this section is guilty of a
2 misdemeanor of the first degree.

3 (2) A person who violates this section through
4 involvement in a scheme to defraud, coerce or commit theft of
5 monetary assets or property is guilty of a felony of the
6 third degree.

7 (c) Exceptions.--This section shall not apply to:

8 (1) an instance of satire, parody, commentary, criticism <--
9 or works that relate to a matter of public interest or have
10 political or newsworthy value; or A CONSTITUTIONALLY <--
11 PROTECTED ACTIVITY;

12 (2) a law enforcement officer engaged in the performance
13 of the law enforcement officer's official duties; <--

14 (3) A PROVIDER OR DEVELOPER OF ANY TECHNOLOGY USED IN
15 THE CREATION OF A VISUAL REPRESENTATION OR AUDIO RECORDING;
16 OR

17 (4) ANY INFORMATION SERVICE, SYSTEM OR ACCESS SOFTWARE
18 PROVIDER THAT PROVIDES OR ENABLES COMPUTER ACCESS BY MULTIPLE
19 USERS TO A COMPUTER SERVER, INCLUDING SPECIFICALLY A SERVICE
20 OR SYSTEM THAT PROVIDES ACCESS TO THE INTERNET.

21 (d) Affirmative defense.--It is an affirmative defense to
22 prosecution that the defendant took reasonable action to place
23 viewers or listeners of the forged digital likeness on notice
24 that the forged digital likeness was not genuine.

25 (e) Construction.--This section shall not be construed to
26 restrict the ability of a person to detect, prevent, respond to
27 or protect against security incidents, identity theft, fraud,
28 harassment, malicious or deceptive activities or any illegal
29 activity, preserve the integrity or security of systems or
30 investigate, report or prosecute persons responsible for the

1 action.

2 (f) Definition.--As used in this section, the term "forged
3 digital likeness" means a computer-generated visual
4 representation of an actual and identifiable individual or audio
5 recording of an actual and identifiable individual's voice that:

6 (1) has been created, adapted or modified to closely
7 resemble a genuine visual representation or audio record of
8 the individual;

9 (2) materially misrepresents the appearance, speech or
10 behavior of the individual such that the fundamental
11 character of the individual's appearance, speech or behavior
12 is changed;

13 (3) is likely to deceive a reasonable person to believe
14 that the visual representation or audio recording is genuine;
15 and

16 (4) is created and distributed without the consent of
17 the individual.

18 Section 2. This act shall take effect in 60 days.