

ASSEMBLY SCIENCE, INNOVATION AND TECHNOLOGY  
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3006

**STATE OF NEW JERSEY**

DATED: JANUARY 25, 2021

The Assembly Science, Innovation and Technology Committee reports favorably Assembly No. 3006.

As reported, this bill requires a person who produces an “advanced technological false personation record” (record), as that term is defined in the bill, with the intent to distribute the record over the Internet or with knowledge that the record is to be so distributed, and which a person in this State has the ability to access via the Internet, is to ensure the record contains certain disclosures. A record which contains a moving visual element is to contain an embedded digital watermark clearly identifying the record as containing altered audio or visual elements. A record containing both an audio and a visual element is to include: 1) at least one clearly articulated verbal statement that identifies the record as containing altered audio and visual elements, and a concise description of the extent of the alteration; and 2) an unobscured written statement in clearly readable text, appearing at the bottom of the image throughout the duration of the visual element, that identifies the record as containing altered audio and visual elements, and a concise description of the extent of the alteration. A record exclusively containing a visual element is to include an unobscured written statement in clearly readable text appearing at the bottom of the image throughout the duration of the visual element that identifies the record as containing altered visual elements, and a concise description of the extent of the alteration. A record exclusively containing an audio element is to include, at the beginning of the record, a clearly articulated verbal statement that identifies the record as containing altered audio elements and a concise description of the extent of the alteration, and in the event the record exceeds two minutes in length, not less than one additional clearly articulated verbal statement and additional concise description at some interval during each two-minute period thereafter.

The provisions of the bill are not to apply with respect to any record meeting certain requirements in the bill.

The bill provides that the watermark requirement is not to apply with respect to any class of record which the Attorney General determines by regulation should be excluded.

The bill requires the Attorney General, in coordination with any other State agency the Attorney General deems necessary, to submit a report to the Governor and the Legislature no later than five years after the date of enactment of the bill, and five years thereafter, describing trends related to prosecutions and civil penalties pursued pursuant to the bill and recommending any updates to the bill necessitated by the emergence of new technologies.

It is to be an unlawful practice and a violation of the New Jersey consumer fraud act to violate the provisions of the bill, which includes, but is not limited to penalties of not more than \$10,000 for the first offense and not more than \$20,000 for the second and each subsequent offense. Further, the bill provides that a person is to be guilty of a crime of the third degree if they knowingly omit or obscure the disclosure requirements of the bill under certain circumstances.