

S 3696

DEFIANCE Act of 2024

Congress: 118 (2023–2025, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: Jan 30, 2024

Current Status: Held at the desk.

Latest Action: Held at the desk. (Jul 24, 2024)

Official Text: <https://www.congress.gov/bill/118th-congress/senate-bill/3696>

Sponsor

Name: Sen. Durbin, Richard J. [D-IL]

Party: Democratic • **State:** IL • **Chamber:** Senate

Cosponsors (8 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Graham, Lindsey [R-SC]	R · SC		Jan 30, 2024
Sen. Hawley, Josh [R-MO]	R · MO		Jan 30, 2024
Sen. Klobuchar, Amy [D-MN]	D · MN		Jan 30, 2024
Sen. King, Angus S., Jr. [I-ME]	I · ME		May 1, 2024
Sen. Lee, Mike [R-UT]	R · UT		May 1, 2024
Sen. Schumer, Charles E. [D-NY]	D · NY		Jun 12, 2024
Sen. Heinrich, Martin [D-NM]	D · NM		Jul 24, 2024
Sen. Welch, Peter [D-VT]	D · VT		Jul 31, 2024

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Discharged From	Jul 23, 2024

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
118 HR 7569	Identical bill	Mar 6, 2024: Referred to the House Committee on the Judiciary.

Disrupt Explicit Forged Images and Non-Consensual Edits Act of 2024 or the DEFIANCE Act of 2024

This bill establishes a civil cause of action for individuals who are the subject of nonconsensual digital forgeries (commonly known as deepfakes) depicting intimate activity or nudity.

Under the bill, *digital forgery* is any intimate visual depiction of an identifiable individual created through the use of software, machine learning, artificial intelligence, or any other computer-generated or technological means that is indistinguishable from an authentic visual depiction of the individual.

Specifically, an identifiable individual who is the subject of a digital forgery may bring a civil action against any person who knowingly produces, distributes, solicits, or possesses with the intent to distribute a digital forgery without the individual's consent.

Current law provides civil remedies, including damages and injunctive relief, for the nonconsensual disclosure of intimate images. This bill makes all relief available for the new cause of action for nonconsensual digital forgeries and expands the relief available for both causes of action. For example, an identifiable individual may recover profits of the defendant that are attributable to the conduct at issue in the claim as part of actual damages.

The bill also establishes a 10-year statute of limitations, but tolls the running of the statute of limitations until the individual learns about the violation or the individual turns 18, whichever occurs later. This applies to both current law related to nonconsensual disclosure of intimate images and the new cause of action for nonconsensual digital forgeries.

Actions Timeline

- **Jul 24, 2024:** Message on Senate action sent to the House.
- **Jul 24, 2024:** Received in the House.
- **Jul 24, 2024:** Held at the desk.
- **Jul 23, 2024:** Senate Committee on the Judiciary discharged by Unanimous Consent.
- **Jul 23, 2024:** Measure laid before Senate by unanimous consent. (consideration: CR S5318-5319)
- **Jul 23, 2024:** Passed/agreed to in Senate: Passed Senate with an amendment by Voice Vote.
- **Jul 23, 2024:** Passed Senate with an amendment by Voice Vote. (text of amendment in the nature of a substitute: CR S5317-5318)
- **Jan 30, 2024:** Introduced in Senate
- **Jan 30, 2024:** Read twice and referred to the Committee on the Judiciary.