



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-4562/2

MJW:emw

2025 BILL

1 **AN ACT** *to amend* 946.82 (4) and 995.50 (2) (am) 4.; *to create* 942.085 of the
2 statutes; **relating to:** synthetic digital representations and providing a
3 penalty.

Analysis by the Legislative Reference Bureau

Under current law, it is generally a Class I felony to capture or distribute representations depicting nudity without the consent of the person depicted. This bill provides criminal penalties to any person who creates and distributes what are commonly known as “deepfakes.”

This bill provides that it is a Class A misdemeanor to create and post, publish, distribute, or exhibit a synthetic digital representation with intent to coerce, harass, or intimidate any individual or a Class I felony to do so with intent to defraud, coerce, or intimidate any individual for monetary gain.

This bill defines a “synthetic digital representation” as a visual or audio representation to which all of the following apply:

1. It was generated, altered, or otherwise manipulated using technological means.
2. It uses an individual’s recognizable personal characteristic.
3. It would appear to a reasonable observer to be an authentic representation of an individual’s speech, conduct, or likeness.
4. It was generated, altered, or otherwise manipulated without the consent of the individual depicted in the representation.

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Under current law, a Class A misdemeanor is punishable by a fine of up to \$10,000 or imprisonment for up to nine months, or both, and a Class I felony is punishable by a fine of up to \$10,000 or imprisonment for up to three years and six months, or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 942.085 of the statutes is created to read:

942.085 Synthetic digital representation. (1) In this section:

(a) “Recognizable personal characteristic” means an individual’s face, likeness, voice, or other identifiable, unique characteristic that, alone, is sufficient to clearly identify the individual.

(b) “Representation” has the meaning given in s. 942.09 (1) (c).

(c) “Synthetic digital representation” means a representation to which all of the following apply, regardless of whether the representation includes components that are artificial, legally generated, or generally accessible:

1. The representation is generated, altered, or otherwise manipulated using technological means.

2. The representation uses an individual’s recognizable personal characteristic.

3. The representation would appear to a reasonable observer to be an authentic representation of an individual’s speech, conduct, or likeness.

4. The representation was generated, altered, or otherwise manipulated without the consent of the individual depicted in the representation.

(2) (a) Except as provided in par. (b), whoever creates and posts, publishes,

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1 distributes, or exhibits a synthetic digital representation of an individual with
2 intent to coerce, harass, or intimidate any individual is guilty of a Class A
3 misdemeanor.

4 (b) Whoever creates and posts, publishes, distributes, or exhibits a synthetic
5 digital representation of an individual with intent to defraud, coerce, or intimidate
6 any individual for monetary gain is guilty of a Class I felony.

7 (3) Subsection (2) does not apply to any of the following:

8 (a) A provider or developer of any technology used in the creation of the
9 synthetic digital representation.

10 (b) A provider of an interactive computer service, as defined in 47 USC 230 (f)
11 (2), or to an information service, as defined in 47 USC 153 (24), or
12 telecommunications service, as defined in 47 USC 153 (53), if the synthetic digital
13 representation is provided to the interactive computer service, information service,
14 or telecommunications service by a 3rd party.

15 (c) A person who publishes, distributes, or exhibits a synthetic digital
16 representation that is newsworthy or of public importance.

17 (d) A person who took action to notify viewers or listeners of the synthetic
18 digital representation that the synthetic digital representation was not genuine in
19 any of the following ways:

20 1. If the synthetic digital representation is in image format, it includes in
21 writing that is readable, legible, and readily accessible the words "This content
22 generated by AI."

23 2. If the synthetic digital representation is in video format with or without
24 audio, it includes throughout the duration of the synthetic digital representation, in

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1 writing that is readable, legible, and readily accessible, the words “This content
2 generated by AI.”

3 3. If the synthetic digital representation is in audio format, it includes both at
4 the beginning and at the end the words “This content generated by AI.”

5 (e) A law enforcement officer engaged in their official duties.

6 **SECTION 2.** 946.82 (4) of the statutes, as affected by 2025 Wisconsin Acts 24
7 and 48, is amended to read:

8 946.82 (4) “Racketeering activity” means any activity specified in 18 USC
9 1961 (1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or
10 commission of any of the felonies specified in: chs. 945 and 961, subch. V of ch. 551,
11 and ss. 49.49, 134.05, 139.44 (1), (2m), and (8), 180.0129, 181.0129, 185.825, 201.09
12 (2), 215.12, 221.0625, 221.0636, 221.0637, 221.1004, 553.41 (3) and (4), 553.52 (2),
13 940.01, 940.21, 940.30, 940.302 (2), 940.305, 940.31, 940.60 (3), 940.61, 940.62,
14 941.20 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 942.085, 942.09,
15 942.095, 943.01 (2), (2d), or (2g), 943.011, 943.012, 943.013, 943.02, 943.03, 943.04,
16 943.05, 943.06, 943.10, 943.20 (3) (bf) to (e), 943.201, 943.203, 943.23 (2) and (3),
17 943.231 (1), 943.24 (2), 943.27, 943.28, 943.30, 943.32, 943.34 (1) (bf), (bm), and (c),
18 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4) (bf), (bm), and (c) and (4m),
19 943.60, 943.70, 943.76, 943.81, 943.82, 943.825, 943.83, 943.84, 943.85, 943.86,
20 943.87, 943.88, 943.89, 943.90, 944.21 (5) (c) and (e), 944.32, 944.34, 945.03 (1m),
21 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12, 946.13, 946.31, 946.32 (1),
22 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 946.79, 947.015, 947.016 (1)
23 or (2), 948.05, 948.051, 948.08, 948.12, 948.125, and 948.30 and s. 940.19 (4), 2023

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1 stats., s. 940.19 (5), 2023 stats., s. 940.19 (6), 2023 stats., s. 940.20, 2023 stats., s.
2 940.201, 2023 stats., and s. 940.203, 2023 stats.

3 **SECTION 3.** 995.50 (2) (am) 4. of the statutes, as affected by 2025 Wisconsin
4 Act 48, is amended to read:

5 995.50 **(2)** (am) 4. Conduct that is prohibited under s. 942.085, 942.09, or
6 942.095, regardless of whether there has been a criminal action related to the
7 conduct, and regardless of the outcome of the criminal action, if there has been a
8 criminal action related to the conduct.

9 **(END)**