



WISCONSIN STATE REPRESENTATIVE

# Brent Jacobson

87TH ASSEMBLY DISTRICT

## Testimony in Support of Assembly Bill 33

Assembly Committee on Science, Technology, and AI

May 7<sup>th</sup> 2025

Good morning Chairman Gustafson and members of the Assembly Committee on Science, Technology, and AI. Thank you for the opportunity to testify on Assembly Bill 33. With rapid technological advances creating new opportunities for abuse, intimidation, and harassment, this bill creates necessary legal protections for the people of Wisconsin.

Artificial intelligence and digital image generation technology have progressed tremendously in the past several years. Using this technology, a person can create an artificial images or videos, commonly called "deepfakes". These depictions have already become impressively convincing, and in the coming years they will only become more realistic. Unfortunately, with deepfake technology advancing so quickly, our state law has not kept up to prevent its harmful applications.

Under current state law, it is a felony to post or publish a private representation of a person without their consent. However, current law does not take into account deepfake technology. Using technology widely available today, a malicious actor can take an existing image and create and share synthetic nude or sexual depictions of individuals, and current law would not apply. This bill would make it a Class I felony to create and distribute a synthetic intimate representation in order to coerce, harass, or intimidate the person being depicted.

Additionally, this bill would make it a felony to hack or reproduce a private representation. This would be any nude or sexually explicit image which was intended for one person, but was not intended to be shared more widely. It has been illegal in Wisconsin to post or publish these images without consent for over a decade.

According to Public Citizen, 32 other states have already passed legislation regulating intimate deepfakes. This includes our neighbors in Minnesota, Iowa, and Illinois. Last session, the Wisconsin legislature took steps to prevent deepfakes from being used to manipulate our elections or create pornographic images of children. I ask that you join me in supporting this legislation to protect our constituents from abuse. I can answer any questions at this time.



ANDRÉ JACQUE

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## *Testimony before the Assembly Committee on Science, Technology, and AI*

Senator André Jacque

Assembly Bill 33

May 7, 2025

Chairman Gustafson and Committee Members:

Thank you for holding this public hearing on Assembly Bill 33. This bipartisan legislation provides stronger legal protections for victims whose images are unknowingly twisted into synthetic “deep fake” pornography for display on social media or other distribution.

As the capabilities of AI become more and more advanced, bad actors are increasingly using artificially-generated sexually explicit images to harass and intimidate innocent people online.

A study from the cybersecurity company Deeptrace found that about 96% of “deep fake” material is non-consensual pornography. This legislation would strengthen and update Wisconsin law by making it a felony to create, store, reproduce, or disseminate sexually explicit deep fakes without the consent of the person who is being depicted. The bill would also make it a misdemeanor to reproduce sexually explicit “private images,” which are voluntarily taken but not intended to be shared widely.

Current state law prohibits non-consensual creation and dissemination of representations depicting nudity (s. 942.09 Stats.), but does not directly address the unauthorized creation of sexually explicit images known as “deep fakes,” which, for example, use an existing picture of a person’s face to create a new, hyper-realistic pornographic image.

Assembly Bill 33 would protect against a new and disturbing form of cyber-abuse and ensure that all Wisconsinites can feel comfortable sharing regular images of themselves online without fearing that those images will be manipulated or corrupted into pornography.

The bill would also strengthen and update Wisconsin law by making it a felony to hack, intercept, or otherwise steal sexually explicit images from someone’s phone or other digital devices. Current state law does not specifically prohibit someone from obtaining an intimate image voluntarily taken by another person on their phone who has not shared it with anyone else.

This proposal is a re-introduction of 2023 Senate Bill 553, which had strong bi-partisan co-sponsorship and passed the full State Senate on a unanimous 32-0 vote last session.

Thank you for your consideration of Assembly Bill 33. I’m happy to answer any questions.

**Chad D. Billeb**  
Sheriff



**William B. Millhausen**  
Chief Deputy

## **Marathon County Sheriff's Office**

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May 7, 2025

Office of Representative Nate L. Gustafson  
55<sup>th</sup> Assembly District  
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PO Box 8952  
Madison, WI 53708

Representative Gustafson and Members of the Committee on Science, Technology and AI,

Thank you for the opportunity to provide written testimony in support of Assembly Bill 33, legislation that addresses the growing threat of non-consensual deepfake pornography and other intimate image abuses facilitated by artificial intelligence.

My name is Chad Billeb and I am the Sheriff of Marathon County. I am writing today to urge you to support this critical legislation that would make it a crime to create or distribute artificially generated images, commonly known as "deepfakes", that depict a person, in an intimate representation without their consent, when done with the intent to harass, coerce, or intimidate that person.

The emergence of deep-fake technology has introduced a dangerous new form of digital exploitation. With only a few images and freely available software, malicious actors can create hyper-realistic images or videos that falsely depict someone in explicit or compromising situations. These falsified depictions are not just humiliating, they are used to control, threaten, and damage the lives and reputations of real people. Although not depicting nudity, I can tell you that I have been the target of a person who created deep-fake images of me. The images this person created were vulgar and depicted not only me, but also members of my staff in an inappropriate manner. Having experienced this firsthand, I can only imagine what a person who has had their likeness depicted in an intimate act must be experiencing.

Victims of this abuse, most often children, teens and women, face real-world consequences: humiliation at school or work, emotional trauma, personal and family distress, and in some cases, threats to their physical safety. Yet under current Wisconsin law, there is little remedy for victims or accountability for perpetrators when these images are generated and distributed.

Assembly Bill 33 fills this gap. By explicitly criminalizing the creation and dissemination of deepfake intimate images with harmful intent, it brings Wisconsin law into alignment with the

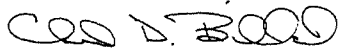


realities of 21st-century digital abuse. It sends a clear message: that our state will not tolerate this modern form of sexual exploitation.

Importantly, this legislation is carefully crafted to target malicious actors. It does not criminalize parody, satire, or legitimate use of synthetic media; it narrowly targets acts intended to harm others by weaponizing fabricated intimate imagery.

I commend the authors and sponsors of this bill for their leadership, and I respectfully urge members of the Legislature to vote in favor of Assembly Bill 33 to protect the dignity, privacy, and safety of all Wisconsinites.

Sincerely,

A handwritten signature in black ink, appearing to read "Chad D. Billeb". The signature is stylized with a large, loopy "C" and "B".

Chad D. Billeb  
Sheriff of Marathon County

Honorable members of the Assembly Committee on Science, Technology, and AI, I write to testify in support of A.B. 33 (Representative Jacobson). This legislation makes crucial updates to Wisconsin's law addressing nonconsensual intimate images. We urge the Committee to advance the bill.

I ask the members of the committee to imagine that as you scroll through social media or your favorite feed, you come across a photo, or even a video, of you. One that you never put out there. Showing parts of your body that you never would. Perhaps one showing you doing things you never did. No one should have sexually explicit images of themselves released and distributed without consent. Whether real or generated by artificial intelligence, these nonconsensual intimate images harm victims indiscriminately and repeat every time the material is shared.

The advancements in technology, including artificial intelligence, make most laws addressing nonconsensual intimate material abuse insufficient to address the growing crime of manipulating it. For example, if a photo depicted the victim nude, where the victim's face was real, but the victim's genitals were computer-generated, many laws would not apply because the intimate part of the image was not the victim's.

Easily downloadable applications (apps) and software can turn an otherwise mundane photo into an explicit nude image and commonly used social networking platforms allow for quick access to many people. Such images frequently depict or place people in sexual positions, in addition to being without clothes. These tools are widely available and supported by online communities in which users discuss and create nonconsensual manipulated intimate material.<sup>1</sup> Studies show that 96% of all online deepfake videos were nonconsensual and mostly featured women.<sup>2</sup> This material causes lasting harm.<sup>3</sup>

People depicted in these manipulated images and heard in manipulated audio are forced to view themselves engaging in nonconsensual explicit acts, face unwanted attention on their nude bodies, and endure stigma associated with explicit content. Victims lose jobs, experience trauma, and may suffer ongoing depression or anxiety. Although the content may

<sup>1</sup> Lucas, K. T. (2022). *Deepfakes and Domestic Violence: Perpetrating Intimate Partner Abuse Using Video Technology*. *Victims & Offenders*, 17(5), 647–659. <https://doi.org/10.1080/15564886.2022.2036656>

<sup>2</sup> *The State of Deepfakes: Landscape, Threats, and Impact*, Henry Ajder, Giorgio Patrini, Francesco Cavalli, and Laurence Cullen, September 2019. <https://enough.org/objects/Deeptrace-the-State-of-Deepfakes-2019.pdf>

<sup>3</sup> See footnote 1.

Deepfake Technology. (n.d.). Organization for Social Media Safety. Retrieved June 19, 2024, from <https://www.socialmediasafety.org/advocacy/deepfake-technology/>





be fake, the harm to the victims from the distribution of sexually explicit nonconsensual manipulated intimate material is real and long-lasting.

Nonconsensual synthetic intimate image abuse threatens individuals and public safety. While headlines about the victimization of popular celebrities like Taylor Swift grab attention, there are also countless stories of everyday folks, like teachers and teenagers, who find their lives destroyed by the spread of nonconsensual intimate images. In one example, a man sent explicit images of a woman to predators insisting she fantasized “about being raped,” eventually leading to threatening strangers arriving at her place of work<sup>4</sup>. Abuse of nonconsensual synthetic intimate images enhances domestic violence, child sexual abuse, and sextortion. Abusers use the material to threaten, blackmail, and control victims.<sup>5</sup> Teens threatened by internet users have committed suicide when images are used to extort them.<sup>6</sup> Exacerbating the harm, creators and distributors of nonconsensual manipulated intimate material conduct their abuse repeatedly and attack multiple victims.<sup>7</sup> The serial nature of the crime, combined with the anonymity offered by the internet, makes catching perpetrators a challenging public safety concern.

AB 33 will ensure Wisconsin’s law includes digitally manipulated images and holds those who replicate intimate images without consent accountable. This bill protects survivors and modernizes Wisconsin’s code. We urge you to pass A.B. 33 and stand with survivors. Thank you for your consideration.

Mollie Montague

Director of State Legislative Affairs

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<sup>4</sup> Leonard, Collin. “Airline Pilot Extradited to Utah after Posting Illicit Images of Former Flight Attendant, Police Say.” *www.ksl.com*, 4 July 2024, [www.ksl.com/article/51060973/airline-pilot-extradited-to-utah-after-posting-illicit-images-of-former-flight-attendant-police-say](https://www.ksl.com/article/51060973/airline-pilot-extradited-to-utah-after-posting-illicit-images-of-former-flight-attendant-police-say). Accessed 8 July 2024.

<sup>5</sup> Lucas, K. T. (2022). Deepfakes and Domestic Violence: Perpetrating Intimate Partner Abuse Using Video Technology. *Victims & Offenders*, 17(5), 647–659. <https://doi.org/10.1080/15564886.2022.2036656>

<sup>6</sup> Sganga, Nicole. “Family of Teen Who Died by Suicide Warns of Dangers of Financial Sextortion – CBS News.” *www.cbsnews.com*, 17 Jan. 2024, [www.cbsnews.com/news/fbi-warning-financial-sextortion-minors-growing-threat-suicide/#:text=From%20October%202021%20through%20March](https://www.cbsnews.com/news/fbi-warning-financial-sextortion-minors-growing-threat-suicide/#:text=From%20October%202021%20through%20March)

<sup>7</sup> Asher Flynn, Anastasia Powell, Adrian J Scott, Elena Cama, Deepfakes and Digitally Altered Imagery Abuse: A Cross-Country Exploration of an Emerging form of Image-Based Sexual Abuse, *The British Journal of Criminology*, Volume 62, Issue 6, November 2022, Pages 1341–1358, <https://doi.org/10.1093/bjc/azab111>