
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2021 - 2022 Regular Session

SB 1216 (Gonzalez) - Secretary of the Government Operations Agency: working group: deepfakes

Version: February 17, 2022

Urgency: No

Hearing Date: May 2, 2022

Policy Vote: G.O. 14 - 0, JUD. 11 - 0

Mandate: No

Consultant: Janelle Miyashiro

Bill Summary: SB 1216 requires the Secretary of the Government Operations Agency to establish a Deepfake Working Group to, among other things, evaluate and report on the impact and risks of deepfakes on state government and California-based businesses and best practices for preventing digital content forgery.

Fiscal Impact: The Government Operations (GovOps) Agency anticipates total costs ranging from \$514,884 to \$600,348 for multiple, temporary, full-time positions to implement the program, support the working group, and for other operating expenses such as facilities and equipment.

Background: The term “deepfake” refers to a specific kind of synthetic media where a person in an image or video is swapped with another person’s likeness. These deceptive life-like videos and recordings can effectively make it appear as though an individual said or did something that never actually took place.

Deepfakes take their name from the fact that they use deep learning technology to create fake videos. Deep learning technology is a kind of machine learning that applies neural net simulation to massive data sets. Artificial intelligence (AI) effectively learns what a particular face looks like at various angles in order to transpose the face onto another individual, similar to an extremely high quality mask that automatically adapts as the individual moves.

Proposed Law:

- Requires, upon appropriation by the Legislature, the Secretary of the GovOps Agency to establish a Deepfake Working Group to evaluate all of the following:
 - The impact of the proliferation of deepfakes on state government, California-based businesses, and residents of the state.
 - The risks, including privacy risks, associated with the deployment of digital content forgery technologies and deepfakes on state and local government, California-based businesses, and residents of the state.
 - The impact of digital content forgery technologies and deepfakes on civic engagement, including voters.
 - The legal implications associated with the use of digital content forgery technologies and deepfakes.

- The best practices for preventing digital content forgery and deepfake technology to benefit the state, California-based businesses, and California residents.
- Requires the working group to consist of participants from all of the following:
 - Three appointees from the technology industry.
 - Three appointees from nontechnology-related industries.
 - Three appointees with a background in law chosen in consultation with the Judicial Council.
 - Two appointees representing privacy organizations.
 - Two appointees representing consumer organizations.
 - The State Chief Information Officer, or the officer's delegate.
 - The Director of Finance, or the director's delegate.
 - The chief information officers of three other state agencies, departments, or commissions.
 - One member of the Senate, appointed by the Senate Rules Committee.
 - One member of the Assembly, appointed by the Assembly Speaker.
- Requires the Secretary of the GovOps Agency to designate the chairperson of the working group before July 1, 2023.
- Requires the members of the working group to serve without compensation, but be reimbursed for all necessary expenses incurred.
- Requires the working group to take input from a broad range of stakeholders and develop a coordinated plan to accomplish all of the following:
 - Reduce the proliferation and impact of digital content forgeries and deepfakes, including by exploring how the adoption of a digital content provenance standard could assist with reducing the proliferation of digital content forgeries and deepfakes.
 - Investigate the feasibility of, and obstacles to, developing standards and technologies for state departments for determining digital content provenance.
 - Increase the ability of internet companies, journalists, watchdog organizations, other relevant entities, and members of the public to meaningfully scrutinize and identify digital content forgeries and relay trust and information about digital content provenance to content consumers.

- Develop or identify mechanisms for content creators to cryptographically certify authenticity of original media and nondeceptive manipulations.
- Develop or identify mechanisms for content creators to enable the public to validate the authenticity of original media and non-deceptive manipulations to establish content provenance.
- Requires, by July 1, 2024, the working group to report to the Legislature on the potential uses and risks of deepfake technology to state government and California-based businesses.
 - Requires the working group's report to include recommendations for modifications to the definition of digital content forgery and deepfakes and recommendations for amendments to other code sections that may be impacted by the deployment of digital content forgery technologies and deepfakes.
- Establishes definitions.
- Repeals the working group January 1, 2025.

Staff Comments: The GovOps Agency has provided the below tables of staff and facilities, equipment, and travel cost breakdowns:

Staff Expense Breakdown

Position	Cost Low	Costs High
Staff Services Manager 1	\$125,254	\$153,172
Associate Government Program Analyst	\$106,894	\$134,956
Research Data Analyst 2	\$111,736	\$141,220
Expert Witnesses	\$100,000	\$100,000+
2 Graduate Student Researchers	\$15,000	\$15,000
Total Staff Costs	\$458,884	\$544,348

Facilities, Equipment and Travel Breakdown

Facilities, Equipment and Travel	Costs
Room Rental	\$36,000
Report Editing, Design and Production	\$10,000
Technology Support and Equipment	\$6,000
Travel Expenses	\$4,000
Total Expenses	\$56,000

Operating expenses for facilities and equipment will be required to ensure compliance with the Bagley-Keene Open Meeting Act and other accessibility requirements.

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