

119TH CONGRESS
2D SESSION

S. 1837

AN ACT

To improve rights to relief for individuals affected by non-consensual activities involving intimate digital forgeries, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Disrupt Explicit
3 Forged Images And Non-Consensual Edits Act of 2025”
4 or the “DEFIANCE Act of 2025”.

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

7 (1) Digital forgeries, often called deepfakes, are
8 synthetic images and videos that look realistic. The
9 technology to create digital forgeries is now ubiq-
10 uitous and easy to use. Hundreds of apps are avail-
11 able that can quickly generate digital forgeries with-
12 out the need for any technical expertise.

13 (2) Digital forgeries can be wholly fictitious but
14 can also manipulate images of real people to depict
15 sexually intimate conduct that did not occur. For ex-
16 ample, some digital forgeries will paste the face of
17 an individual onto the body of a real or fictitious in-
18 dividual who is nude or who is engaging in sexual
19 activity. Another example is a photograph of an indi-
20 vidual that is manipulated to digitally remove the
21 clothing of the individual so that the person appears
22 to be nude.

23 (3) The individuals depicted in such digital for-
24 geries are profoundly harmed when the content is
25 produced with intent to disclose, disclosed, or ob-
26 tained without the consent of those individuals.

1 These harms are not mitigated through labels or
 2 other information that indicates that the depiction is
 3 fake.

4 (4) It can be destabilizing to victims whenever
 5 those victims are depicted in intimate digital for-
 6 geries against their will, as the privacy of those vic-
 7 tims is violated and the victims lose control over
 8 their likeness and identity.

9 (5) Victims can feel helpless because the vic-
 10 tims—

11 (A) may not be able to determine who has
 12 created the content; and

13 (B) do not know how to prevent further
 14 disclosure of the intimate digital forgery or how
 15 to prevent more forgeries from being made.

16 (6) Victims may be fearful of being in public
 17 out of concern that individuals the victims encounter
 18 have seen the digital forgeries. This leads to social
 19 rupture through the loss of the ability to trust, stig-
 20 matization, and isolation.

21 (7) Victims of non-consensual, sexually intimate
 22 digital forgeries may experience depression, anxiety,
 23 and suicidal ideation. These victims may also experi-
 24 ence the “silencing effect” in which the victims with-

draw from online spaces and public discourse to avoid further abuse.

(8) Digital forgeries are often used to—

(A) harass victims, interfering with their employment, education, reputation, or sense of safety; or

(B) commit extortion, sexual assault, domestic violence, and other crimes.

(9) Because of the harms caused by non-consensual, sexually intimate digital forgeries, such digital forgeries are considered to be a form of image-based sexual abuse.

SEC. 3. CIVIL ACTION RELATING TO DISCLOSURE OF INTIMATE IMAGES.

(a) DEFINITIONS.—Section 1309 of the Consolidated Appropriations Act, 2022 (15 U.S.C. 6851) is amended—

(1) in the section heading, by inserting “**OR NONCONSENSUAL ACTIVITY INVOLVING DIGITAL FORGERIES**” after “**INTIMATE IMAGES**”; and

(2) in subsection (a)—

(A) in paragraph (2), by inserting “competent,” after “conscious,”;

(B) by striking paragraph (3);

1 (C) by redesignating paragraph (4) as
 2 paragraph (3);

3 (D) by redesignating paragraphs (5) and
 4 (6) as paragraphs (6) and (7), respectively;

5 (E) by inserting after paragraph (3) the
 6 following:

7 “(4) IDENTIFIABLE INDIVIDUAL.—The term
 8 ‘identifiable individual’ means an individual whose
 9 body appears in whole or in part in an intimate vis-
 10 ual depiction or intimate digital forgery and who is
 11 identifiable by virtue of the individual’s face, like-
 12 ness, or other distinguishing characteristic, such as
 13 a unique birthmark or other recognizable feature, or
 14 from information displayed in connection with the
 15 intimate visual depiction or intimate digital forgery.

16 “(5) INTIMATE DIGITAL FORGERY.—

17 “(A) IN GENERAL.—The term ‘intimate
 18 digital forgery’ means any intimate visual depic-
 19 tion of an identifiable individual that—

20 “(i) falsely represents, in whole or in
 21 part—

22 “(I) the identifiable individual; or

23 “(II) the conduct or content that
 24 makes the visual depiction intimate;

“(ii) is created through the use of software, machine learning, artificial intelligence, or any other computer-generated or technological means, including by adapting, modifying, manipulating, or altering an authentic visual depiction; and

“(iii) is indistinguishable from an authentic visual depiction of the identifiable individual when viewed as a whole by a reasonable person.

“(B) LABELS, DISCLOSURE, AND CONTEXT.—Any visual depiction described in subparagraph (A) constitutes an intimate digital forgery for purposes of this paragraph regardless of whether a label, information disclosed with the visual depiction, or the context or setting in which the visual depiction is disclosed states or implies that the visual depiction is not authentic.”; and

(F) in paragraph (6)(A), as so redesignated—

(i) in clause (i), by striking “or” at the end;

(ii) in clause (ii)—

1 (I) in subclause (I), by striking
 2 “individual;” and inserting “indi-
 3 vidual; or”; and

4 (II) by striking subclause (III);
 5 and

6 (iii) by adding at the end the fol-
 7 lowing:

8 “(iii) an identifiable individual engag-
 9 ing in sexually explicit conduct; and”.

10 (b) CIVIL ACTION.—Section 1309(b) of the Consoli-
 11 dated Appropriations Act, 2022 (15 U.S.C. 6851(b)) is
 12 amended—

13 (1) in paragraph (1)—

14 (A) by striking subparagraph (A) and in-
 15 serting the following:

16 “(A) IN GENERAL.—Except as provided in
 17 paragraph (5)—

18 “(i) an identifiable individual whose
 19 intimate visual depiction is disclosed, in or
 20 affecting interstate or foreign commerce or
 21 using any means or facility of interstate or
 22 foreign commerce, without the consent of
 23 the identifiable individual, where such dis-
 24 closure was made by a person who knows
 25 or recklessly disregards that the identifi-

1 able individual has not consented to such
2 disclosure, may bring a civil action against
3 that person in an appropriate district court
4 of the United States for relief as set forth
5 in paragraph (3);

6 “(ii) an identifiable individual who is
7 the subject of an intimate digital forgery
8 may bring a civil action in an appropriate
9 district court of the United States for re-
10 lief as set forth in paragraph (3) against
11 any person that knowingly produced or
12 possessed the intimate digital forgery with
13 intent to disclose it, knowingly disclosed
14 the intimate digital forgery, or knowingly
15 solicited and received the intimate digital
16 forgery, if—

17 “(I) the identifiable individual
18 did not consent to such production or
19 possession with intent to disclose, dis-
20 closure, or solicitation and receipt;

21 “(II) the person knew or reck-
22 lessly disregarded that the identifiable
23 individual did not consent to such pro-
24 duction or possession with intent to

1 disclose, disclosure, or solicitation and
2 receipt; and

3 “(III) such production or posses-
4 sion with intent to disclose, disclosure,
5 or solicitation and receipt, is in or af-
6 fects interstate or foreign commerce
7 or uses any means or facility of inter-
8 state or foreign commerce; and

9 “(iii) an identifiable individual who is
10 the subject of an intimate digital forgery
11 may bring a civil action in an appropriate
12 district court of the United States for re-
13 lief as set forth in paragraph (3) against
14 any person that knowingly produced the
15 intimate digital forgery if—

16 “(I) the identifiable individual
17 did not consent to such production;

18 “(II) the person knew or reck-
19 lessly disregarded that the identifiable
20 individual—

21 “(aa) did not consent to
22 such production; and

23 “(bb) was harmed, or was
24 reasonably likely to be harmed,
25 by the production; and

1 “(III) such production is in or
2 affects interstate or foreign commerce
3 or uses any means or facility of inter-
4 state or foreign commerce.”; and

5 (B) in subparagraph (B)—

6 (i) in the subparagraph heading, by
7 inserting “IDENTIFIABLE” before “INDI-
8 VIDUALS”; and

9 (ii) by striking “an individual who is
10 under 18 years of age, incompetent, inca-
11 pacitated, or deceased, the legal guardian
12 of the individual” and inserting “an identi-
13 fiable individual who is under 18 years of
14 age, incompetent, incapacitated, or de-
15 ceased, the legal guardian of the identifi-
16 able individual”;

17 (2) in paragraph (2)—

18 (A) in subparagraph (A)—

19 (i) by inserting “identifiable” before
20 “individual”;

21 (ii) by striking “depiction” and insert-
22 ing “intimate visual depiction or intimate
23 digital forgery”; and

1 (iii) by striking “distribution” and in-
2 serting “disclosure, solicitation, or posses-
3 sion”; and

4 (B) in subparagraph (B)—

5 (i) by inserting “identifiable” before
6 “individual”;

7 (ii) by inserting “or intimate digital
8 forgery” after “depiction” each place it ap-
9 pears; and

10 (iii) by inserting “, solicitation, or
11 possession” after “disclosure”;

12 (3) by redesignating paragraph (4) as para-
13 graph (5);

14 (4) by striking paragraph (3) and inserting the
15 following:

16 “(3) RELIEF.—

17 “(A) IN GENERAL.—In a civil action filed
18 under this section, an identifiable individual
19 may recover—

20 “(i) damages as provided under sub-
21 paragraph (C); and

22 “(ii) the cost of the action, including
23 reasonable attorney fees and other litiga-
24 tion costs reasonably incurred.

1 “(B) PUNITIVE DAMAGES AND OTHER RE-
2 LIEF.—The court may, in addition to any other
3 relief available at law, award punitive damages
4 or order equitable relief, including a temporary
5 restraining order, a preliminary injunction, or a
6 permanent injunction ordering the defendant to
7 delete, destroy, or cease to display or disclose
8 the intimate visual depiction or intimate digital
9 forgery.

10 “(C) DAMAGES.—For purposes of subpara-
11 graph (A)(i), the identifiable individual may re-
12 cover—

13 “(i) liquidated damages in the amount
14 of—

15 “(I) \$150,000; or

16 “(II) \$250,000 if the conduct at
17 issue in the claim was—

18 “(aa) committed in relation
19 to actual or attempted sexual as-
20 sault, stalking, or harassment of
21 the identifiable individual by the
22 defendant; or

23 “(bb) the direct and proxi-
24 mate cause of actual or at-
25 tempted sexual assault, stalking,

1 or harassment of the identifiable
2 individual by any person; or

3 “(ii) actual damages sustained by the
4 individual, which shall include any profits
5 of the defendant that are attributable to
6 the conduct at issue in the claim that are
7 not otherwise taken into account in com-
8 puting the actual damages.

9 “(D) CALCULATION OF DEFENDANT’S
10 PROFIT.—For purposes of subparagraph (C)(ii),
11 to establish the defendant’s profits, the identifi-
12 able individual shall be required to present
13 proof only of the gross revenue of the defend-
14 ant, and the defendant shall be required to
15 prove the deductible expenses of the defendant
16 and the elements of profit attributable to fac-
17 tors other than the conduct at issue in the
18 claim.

19 “(4) PRESERVATION OF PRIVACY.—In a civil
20 action filed under this section, the court may issue
21 an order to protect the privacy of a plaintiff, includ-
22 ing by—

23 “(A) permitting the plaintiff to use a pseu-
24 donym;

1 “(B) requiring the parties to redact the
2 personal identifying information of the plaintiff
3 from any public filing, or to file such documents
4 under seal; and

5 “(C) issuing a protective order for pur-
6 poses of discovery, which may include an order
7 indicating that any intimate visual depiction or
8 intimate digital forgery shall remain in the
9 care, custody, and control of the court.”;

10 (5) in paragraph (5)(A), as so redesignated—

11 (A) by striking “image” and inserting “vis-
12 ual depiction or intimate digital forgery”; and

13 (B) by striking “depicted” and inserting
14 “identifiable”; and

15 (6) by adding at the end the following:

16 “(6) STATUTE OF LIMITATIONS.—Any action
17 commenced under this section shall be barred unless
18 the complaint is filed not later than 10 years from
19 the later of—

20 “(A) the date on which the identifiable in-
21 dividual reasonably discovers the violation that
22 forms the basis for the claim; or

23 “(B) the date on which the identifiable in-
24 dividual reaches 18 years of age.

“(7) DUPLICATIVE RECOVERY BARRED.—No relief may be ordered under paragraph (3) against a person who is subject to a judgment under section 2255 of title 18, United States Code, for the same conduct involving the same identifiable individual and the same intimate visual depiction or intimate digital forgery.”.

(c) CONTINUED APPLICABILITY OF FEDERAL, STATE, AND TRIBAL LAW.—

(1) IN GENERAL.—This Act shall not be construed to impair, supersede, or limit a provision of Federal, State, or Tribal law.

(2) NO PREEMPTION.—Nothing in this Act shall prohibit a State or Tribal government from adopting and enforcing a provision of law governing disclosure of intimate images or nonconsensual activity involving an intimate digital forgery, as defined in section 1309(a) of the Consolidated Appropriations Act, 2022 (15 U.S.C. 6851(a)), as amended by this Act, that is at least as protective of the rights of a victim as this Act.

SEC. 4. SEVERABILITY; RULE OF CONSTRUCTION.

(a) SEVERABILITY.—If any provision of this Act, an amendment made by this Act, or the application of such a provision or amendment to any person or circumstance,

1 is held to be unconstitutional, the remaining provisions of
2 and amendments made by this Act, and the application
3 of the provision or amendment held to be unconstitutional
4 to any other person or circumstance, shall not be affected
5 thereby.

6 (b) RULE OF CONSTRUCTION.—Nothing in this Act,
7 or an amendment made by this Act, shall be construed
8 to limit or expand any law pertaining to intellectual prop-
9 erty.

Passed the Senate January 13, 2026.

Attest:

Secretary.

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