The No AI Fraud Act Misses the Mark and Encourages Censorship

January 22, 2024 - A new bill in the House of Representatives called the No AI Fraud Act is being marketed as a way for individuals to prevent fraudsters from using their image or voice to commit a crime. But the bill is so broad that it would likely outlaw a variety of perfectly legitimate uses of artificial intelligence and would likely lead to widespread censorship of memes, parody and political content. As it is currently written, it is akin to using a sledgehammer to kill a fly.

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s.src = 'http://widgets.digg.com/buttons.js';
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The bill would turn a personâ€™s image and voice into their personal property. If passed, it would mean that anyone who uses AI to recreate your voice or image without your permission could be sued. And it allows you to pass those rights on to your heirs. At first glance, you may not think there is anything wrong with that. And we do have to agree that there are circumstances under which individuals should be able to protect both their image and their voice.

Unfortunately though, the bill makes a wide range of digital content susceptible to law suits. For instance, makers of memes of politicians or public figures that were created with AI could be sued. The same could be true for comedy skits that use AI or digital recording devices to impersonate real-life people.

And it isnâ€™t just the makers of this type of content that take on liability. Any company that provides AI tools to create images or voice effects would be liable. The same is true for any company that stores this type of content. That would include companies like Facebook, Google and Twitter. Also, anyone who distributes content that is in violation of this law would also be liable. That means that if you forward the wrong meme to a friend, you could wind up being sued for a minimum of $50,000. And that is per instance. Forward it to two people and the bill starts to increase rapidly.

We also find it very interesting that the bill doesnâ€™t carve out an exception for politicians or political speech. Call us cynical but its almost as if the members of the House that are pushing this piece of legislation want to make sure that nobody uses AI to make fun of them.

The bill does say that anyone who gets sued can use the First Amendment as a defense, but they will still face all of the expenses for defending themselves against a lawsuit. Most people will simply self-censor and stop creating content that would force them to face a lawsuit. And maybe thatâ€™s part of the intent of the thin-skinned politicians pushing it.

A much better approach would be to say that the use of AI to create images and voices to perpetrate a crime is also illegal and carries a significant sentence enhancement for anyone convicted of such a crime. As it is currently written though, the bill is only civil in nature and doesnâ€™t touch upon criminal convictions. Thatâ€™s a bit odd for a bill that is being marketed as a crime prevention tool. At least it is if thatâ€™s the actual goal.
by Jim Malmberg
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