Minnesota | AI Policy Overview

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AI Policy Overview

Minnesota legislators have taken steps to address artificial intelligence policies, particularly concerning deepfakes. In 2023, lawmakers enacted a bill that established new crimes for disseminating political and sexual deepfakes. Additionally, Minnesota enacted a law in 2020 requiring law enforcement officers to obtain a warrant before using a drone equipped with facial recognition technology.

Deepfakes

In 2023, Minnesota enacted legislation (MN HF 1370/SF 1394), which addresses both political and sexual deepfakes. The law defines "deep fake" as any video recording, motion-picture film, sound recording, electronic image, or photograph, or any technological representation of speech or conduct substantially derivative thereof: (1) that is so realistic that a reasonable person would believe it depicts speech or conduct of an individual who did not in fact engage in such speech or conduct; and (2) the production of which was substantially dependent upon technical means, rather than the ability of another individual to physically or verbally impersonate such individual.

The law establishes the crime of using deepfake technology to influence an election within 90 days of election day when the individual depicted did not grant consent and the deepfake is made with the intent to injure a candidate or influence the results of an election.

The law also makes it a crime to disseminate a deepfake without consent that realistically shows: (1) the intimate parts of another individual presented as the intimate parts of the depicted individual; (2) artificially generated intimate parts presented as the intimate parts of the depicted individual; or (3) the depicted individual engaging in a sexual act.

Facial Recognition

In 2020, Minnesota enacted a law (MN SF 3072) prohibiting law enforcement from using a drone with facial recognition or other biometric-matching technology without first obtaining a warrant.

Legislative & Regulatory History

- **2023** - Minnesota enacted MN HF 1370/SF 1394, which defines "deep fake" and establishes crimes for creating and distributing political and sexual deepfakes.
- **2020** - Minnesota enacted MN SF 3072, which prohibits law enforcement from using drones with facial recognition and other biometric technology without a warrant.