



August 14, 2025

The Honorable Kathy C. Hochul
Governor of New York
New York State Capitol
Albany, NY 12224

Re: Support S.8391 (Gianaris)

Dear Governor Hochul,

On behalf of Screen Actors Guild - American Federation of Television and Radio Artists ("SAG-AFTRA"), which represents over 36,000 actors, recording artists, broadcasters, and other media professionals in the State of New York, we write to request that you sign S.8391 (Gianaris)/A.8882 (Simone) into law. This bill updates New York's post mortem Right of Publicity law to reflect emerging technologies. Specifically, this bill prohibits the use of a digital replica of a deceased personality's voice or likeness in an expressive audiovisual work without prior consent.

Protection of performers' voices and likenesses is a critical issue for SAG-AFTRA and our members. After decades of advocacy, New York adopted a post-mortem Right of Publicity law in 2020, requiring consent if a person wishes to use the name, image, or likeness of a deceased person for commercial purposes. That law included compromise language prohibiting use of digital replicas in expressive audiovisual works, but only to the extent that the public was deceived into believing that use was authorized. It did not require consent from the family.

Within the past five years, this technology has developed exponentially. Lifelike digital replicas are now created with generative AI from a smartphone. Recognizing the unparalleled dangers presented by digital replication, SAG-AFTRA and other key stakeholders negotiated a modern framework for digital replica protections for both the living and deceased. The framework balances a right in voice and likeness with strong First Amendment protections for creative expression. It is supported by studios, labels, social media platforms and GAI model developers. This framework was adopted in California (AB 1836-2024), and is established in the federal NO FAKES Act now pending in the US Senate and House of Representatives. This legislation makes comparable updates to New York law to keep up with emerging technologies, protect the 1st Amendment, and ensure people's voices and likenesses are not exploited.

Based on the foregoing, SAG-AFTRA strongly supports S.8391/A.8882 and we respectfully request that it be signed into law. We thank you for keeping New York at the forefront of this evolving technology.

Respectfully,



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