

Proposal #116-A, Amendments to the Consciousness Ownership Act

Proposed amendments to the parent proposal for consideration by committee.

History

This is a proposal by Senator [Takagawa Hitomi](#) to the bill introduced by Senator [Iemochi Seinosuke](#) to be submitted to the amending committee. The primary changes to the original bill are the definition and further clarification of terms, the removal of language pertaining to the cloning of bodies and references to DNA to avoid conflation of unrelated subjects of law in order to limit the scope of the bill to the subject of ST backups, to add language regarding the status of the ST backups of active duty military personnel, altering memories of crimes committed, and to clarify the purpose and legal status of Soul Transfer.

Purpose

1. To clarify and strengthen the provisions of the [Memory Backup Protection Act of YE 30](#).
2. To clarify and reinforce that the purpose of ST is the furtherance of established life and not the creation of new life, as stated in the [Cloned Humans Ban Act](#).
3. To clarify and reinforce that ST is completely independent of any manifestation of the backup.
4. To establish the ownership of an ST backup and the regulations around ownership of an ST backup.

Definitions

1. Alpha: The original individual if still extant, otherwise the earliest extant Beta fork of that individual, measured from the time the ST was made, not manifest.
2. Beta: A fork of an individual capable of being viably manifested through ST unless it is the earliest-created fork of that individual, wherein it becomes the Alpha.
3. Backup: Any image, copy, spacetime coordinate pointer, or other record of an individual from which it is possible to make a viable Soul Transfer. When compared with a Fork, it refers to an unmodified backup.
4. Fork: A copy of a backup that is modified in any way.
5. Individual: Any sentient being, entity, person, or similar, whether sapient or not, to include any set of memories derived from that individual's experiences, and any backups originating from a common source, irrespective of being disjoint or divergent, or edited or otherwise modified, from the original.
6. Infomorph: An individual who exists in a virtual state, without control of a physical body. If the infomorph is active to sapient levels, it is considered to be manifest just as if the individual had a physical body.
7. Manifest: A backup or a fork thereof that occupies and controls a physical body of any kind, or is

active as an infomorph. Any instance where a single instance of an individual simultaneously occupies or controls multiple physically distinct embodiments is considered a single manifestation of that individual.

8. Medically Necessary: A status granted by determination of a qualified individual, that the action in question is the best or only possible intervention among alternatives for the individual in question's continued life and well-being.
9. Provider: Any individual or collection of individuals, corporation, or other legal entity who causes an ST to occur. This does not exclude the individual from which the backup is being created if they are materially or informationally involved in the creation of the backup in any way other than being subject to the ST procedure.
10. Qualified individual: An individual with recognized, accepted credentials and expertise in the subject domain, such as a medical doctor for medical subjects.
11. Sapience: Possessing awareness of internal experience and the ability to analyze subjective experience, as well as the ability to ascribe the actions of other sapients to their own internal and subjective experiences. Implies Sentience except in instances of an individual incapable of receiving input but still capable of sapience regarding internal experience.
12. Sentience: Possessing the qualities of being able to sense the environment and make decisions based on that sensation. Does not necessarily imply Sapience.
13. Soul Transfer (abbreviated ST): Any means or method by which an existing consciousness, or a derivative, is transferred from one instance of that consciousness to another, or duplicated, copied, or otherwise, whether to a new physical manifestation or as an active infomorph. This refers not only to the [Soul Transfer](#) technology used in the [Yamatai Star Empire](#) such as the [Type 30 Mental Transfer and Backup Unit](#), but also to any analogous or sufficiently comparable method, effect, or process by which a comparable result is obtained.
14. Template: Any ST-related data used to influence or create Nekoalkyrja. A template cannot contain the viable experiential memory of an individual, composite of individuals, or simulation of either thereof, but merely elements of personality, proclivities, and learned skills.

Proposal

This Act may be known and be cited as the Consciousness Ownership Act.

Title I

Regarding ownership and registration of Backups:

1. While the Governments of Yamatai may provide and maintain backups of their population for the purposes of ST, these backups are formally owned and controlled by the individual the backup was taken from, unless the individual is considered non-sapient by the laws of Yamatai.
2. Ownership and control of backups is kept by the individual at all times, except when individual is in lawful disability of the right to backup. An individual may ask for their backups to be destroyed at any time *unless*
 1. The individual is currently-serving personnel in the Star Army of Yamatai in any command, intelligence, or law-enforcement capacity, or has been separated from service but not

- properly debriefed, *or*
2. The individual is making an attempt to evade judicial punishment, such as if serving the sentence of a conviction or is currently subject to ongoing prosecution or criminal investigation in preparation thereof, or is a witness with evidentiary value, thereof, until the witness's role in the investigation or proceedings has concluded, *or*
 3. The individual was privy to classified information which has not been otherwise recorded elsewhere *or*
 4. The individual is a sitting Emperor, Premier, or Senator.
 5. The right to refuse to be restored from backup is a legally distinct concept from the retention of backups for purposes of any provision of this Act.
3. Private ownership of another individual's backup is not permitted. Backups by individuals subject to the [Memory Backup Protection Act of YE 30](#) cannot be traded, modified by a third party, or voluntarily given to another private party under any circumstance, except by approval of a special committee of the Senate, or deemed imminently necessary by judicial order.
 4. Backups of individuals subject to provisions of Article 2 held in trust by the state or a duly authorized and bonded provider thereof do not meet the standard of private ownership of another individual's backup.
 5. All backups and forks must be registered in a central government registry and tracked in case they are misplaced and need to be recovered. Making copies of other copies without registering them is a crime.
 1. Any individual must make a good-faith effort to keep their backups synchronized, and any provider must make a good-faith effort to keep any backups they have provided synchronized.
 2. Multiple providers responsible for backups must make the same effort to ensure all backups for the same individual are synchronized among themselves.
 3. An archival copy of the pre-forked state of a forked individual may be kept in trust by the central government backup as an exception to the duty to make a good-faith effort to synchronize all backups.
 1. An archival copy may be kept at each forking point for multiply-forked individuals.
 6. All known forks and backups must be reported to the government for registry, at which point any tracked backup of a manifested fork or improperly manifested backup will be transferred into that individual's ownership. A manifested fork is responsible for registering themselves immediately upon that individual's status as originating from a forked backup becoming known to them.

Title II

Regarding modification of Backups, or Forking:

1. As proscribed in the [Memory Backup Protection Act of YE 30](#), and [Cloned Humans Ban Act](#), no individual will edit a backup to make a fork or make manifest either a fork or an identical instance of an extant individual subject to the [Memory Backup Protection Act of YE 30](#) *unless*
 1. Using the most recent known backup to restore a consenting individual if every prior instance of the individual is legally deceased *or*
 2. Specifically authorized by a special Senate committee, *or*
 3. Editing memories or personality to make a fork as determined as medically necessary by a qualified individual to immediately replace the manifested individual, *or*
 4. Making a judicially-authorized manifestation of a limited fork as an informorph used for

evidentiary purposes.

1. In such an instance, only the minimal set of memories material to the case will be authorized for inclusion in the fork- the creation of a full individual is not permitted for evidentiary purposes.
2. In no instance will the creation of a limited fork for evidentiary purposes be made in violation of any other law or statute.
3. In no instance will the limited fork be manifest as other than a pure infomorph
4. An individual replaced by a fork, legally or otherwise, may choose to have their archives stored in a sub-viable format such as permitted for evidentiary purposes as defined in this Act.
 1. Forked individuals who have edited memories of criminal acts or actions creating a civil liability committed prior to forking are still liable for those acts or actions.
 1. An individual voluntarily undergoing a forking procedure without disclosing any of the above shall be considered evidence tampering, and in instances of editing memories of criminal activity, it shall also be considered an additional offense of the same severity.
 2. A pre-forked archival backup must be immediately and automatically considered as possible exonerating evidence against accusations of any criminal or civil offenses alleged during the period corresponding to memories altered or removed, as well as against accusations of nondisclosure.
5. An individual undergoing any forking process may maintain an archival copy of the pre-forked state, and this is an exception to any duty by any party to make a good-faith effort to keep all backups synchronized.
6. None of the sections in this article are applicable to the creation or birth of Nekoalkyrja with skills, personality, or other elements inherited from the mother Nekoalkyrja or a Nekoalkyrja template, or any similar process enacted by otherwise authorized individuals.
7. None of the sections in this article are applicable in the instance of a single individual simultaneously manifest in physically distinct bodies and in control of both, as only a single individual is considered extant.
8. No article or section of this act applies to the creation of Nekoalkyrja templates or Sprites, or other comparable creations, by otherwise authorized entities.
9. Non-negligent accident or being the victim of deliberate misinformation that would be accepted by a reasonable individual is an affirmative defense to prosecution under this article.
10. In no event shall false memories be created; only erasure is permitted. Any modification shall leave the forked individual aware a modification was made.
11. Matters of utmost national security, such as imminent threat, may pre-empt any provision of this Act.

Title III

Regarding individuality:

1. An individual is always considered to be that individual, even if manifest into a body or form typically recognised as non-sapient, or otherwise less protected under law.

2. As a manifested fork of an individual is an individual, attempting to coerce, abuse, enslave or otherwise victimise an individual's manifest fork is considered as if the same was done to any other protected being under law and will be punished as provided by applicable law. *Furthermore*, no discrimination, deliberate or negligent, in public or private, by any entity, on the basis of whether or not an individual's origin is natural or forked shall be legal or protected in any way, and those so liable are also liable for the resolution of any discriminatory situations.
3. Any fork accidentally or illegally created and made manifest, or a manifestation of a backup made after the legal death of an individual later discovered to still be alive, will be treated legally as a separate, unique individual, and will have no claim to any assets, debts, obligations, or other situations except those that may legally be transferred otherwise between individuals and such a transfer is mutually consented by the Alpha and Beta forks. *Furthermore*:
 1. Those things which are non-transferrable include, but are not limited to, punishments imposed by legal sentences, enlistments or contracts with the state, to include service in the Star Army of Yamatai or any law enforcement organization, or the assumption of any elected or appointed government office, or marriage or other familial obligations or responsibilities.
 2. Forks, or backups discovered to have been improperly manifested, must not have an identical name, designation or identity as their creator. New identification must be created and registered with the government for them. In the time before they register, a number will be appended to the end of their name on official documents to designate them. Improperly manifested backups are subject to this provision upon determination that the original individual is still extant. An improperly manifested backup will be converted to a fork by the most minimally invasive change required to ensure they can be identified as unique.
 3. In such a case as the antecedent individual (including their backups) is destroyed prior to the creation of the fork or as part of the forking process, they assume the status of the prior Alpha individual.
 4. In no instance will a fork or improperly manifested backup be held liable for any debts, sentences, contractual obligations, or any other civil or criminal judgements against the Alpha or other antecedent Fork arising from events subsequent to the creation of the Fork or backup, unless the Alpha or antecedent Fork was complicit in such an act. *Likewise*,
 5. In no instance will an Alpha or other antecedent Fork be held liable for any debts, sentences, contractual obligations, or any other civil or criminal judgements against a subsequent Fork arising from events subsequent to the creation of the Fork or backup, unless the Alpha or antecedent Fork was complicit in such an act, or commission of such an act was a purpose of creation of the Fork.

OOC Notes

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