

AN ACT

relating to the unlawful production or distribution of sexually explicit videos using deep fake technology; creating a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 21, Penal Code, is amended by adding Section 21.165 to read as follows:

Sec. 21.165. UNLAWFUL PRODUCTION OR DISTRIBUTION OF CERTAIN SEXUALLY EXPLICIT VIDEOS. (a) In this section:

(1) "Deep fake video" means a video, created with the intent to deceive, that appears to depict a real person performing an action that did not occur in reality.

(2) "Intimate parts" and "sexual conduct" have the meanings assigned by Section 21.16.

(b) A person commits an offense if, without the effective consent of the person appearing to be depicted, the person knowingly produces or distributes by electronic means a deep fake video that appears to depict the person with the person's intimate parts exposed or engaged in sexual conduct.

(c) An offense under this section is a Class A misdemeanor.

(d) If conduct that constitutes an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section or the other law.

SECTION 2. This Act takes effect September 1, 2023.

S.B. No. 1361

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1361 passed the Senate on April 20, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1361 passed the House on May 18, 2023, by the following vote: Yeas 143, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor