

By: Huffman

S.B. No. 1361

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the unlawful production or distribution of sexually
3 explicit videos using deep fake technology; creating a criminal
4 offense.

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

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

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

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

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

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

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

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

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