

1-1 By: Huffman S.B. No. 1361  
1-2 (In the Senate - Filed March 1, 2023; March 16, 2023, read  
1-3 first time and referred to Committee on Criminal Justice;  
1-4 April 5, 2023, reported favorably by the following vote: Yeas 7,  
1-5 Nays 0; April 5, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Flores	X		
1-10	Bettencourt	X		
1-11	Hinojosa	X		
1-12	Huffman	X		
1-13	King	X		
1-14	Miles	X		

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to the unlawful production or distribution of sexually  
1-18 explicit videos using deep fake technology; creating a criminal  
1-19 offense.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Chapter 21, Penal Code, is amended by adding  
1-22 Section 21.165 to read as follows:

1-23 Sec. 21.165. UNLAWFUL PRODUCTION OR DISTRIBUTION OF CERTAIN  
1-24 SEXUALLY EXPLICIT VIDEOS. (a) In this section:

1-25 (1) "Deep fake video" means a video, created with the  
1-26 intent to deceive, that appears to depict a real person performing  
1-27 an action that did not occur in reality.

1-28 (2) "Intimate parts" and "sexual conduct" have the  
1-29 meanings assigned by Section 21.16.

1-30 (b) A person commits an offense if, without the effective  
1-31 consent of the person appearing to be depicted, the person  
1-32 knowingly produces or distributes by electronic means a deep fake  
1-33 video that appears to depict the person with the person's intimate  
1-34 parts exposed or engaged in sexual conduct.

1-35 (c) An offense under this section is a Class A misdemeanor.

1-36 (d) If conduct that constitutes an offense under this  
1-37 section also constitutes an offense under another law, the actor  
1-38 may be prosecuted under this section or the other law.

1-39 SECTION 2. This Act takes effect September 1, 2023.

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