

By: Shaheen

H.B. No. 1092

A BILL TO BE ENTITLED

AN ACT

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

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

6 SECTION 1. The heading to Section 21.165, Penal Code, is
7 amended to read as follows:

8 Sec. 21.165. UNLAWFUL PRODUCTION OR DISTRIBUTION OF CERTAIN
9 SEXUALLY EXPLICIT IMAGES OR VIDEOS.

10 SECTION 2. Section 21.165(a)(1), Penal Code, is amended to
11 read as follows:

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

15 SECTION 3. Sections 21.165(b) and (c), Penal Code, are
16 amended to read as follows:

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

22 (c) An offense under this section is a Class A misdemeanor,
23 except that the offense is a state jail felony if any depiction of a
24 real child that was incorporated into the deep fake image or video

1 was created when the child was younger than 14 years of age.

2 SECTION 4. The change in law made by this Act applies only
3 to an offense committed on or after the effective date of this Act.
4 An offense committed before the effective date of this Act is
5 governed by the law in effect on the date the offense was committed,
6 and the former law is continued in effect for that purpose. For
7 purposes of this section, an offense was committed before the
8 effective date of this Act if any element of the offense occurred
9 before that date.

10 SECTION 5. This Act takes effect September 1, 2025.