

By: Hinojosa

S.B. No. 441

A BILL TO BE ENTITLED

AN ACT

relating to civil liability for the production, solicitation,
disclosure, or promotion of artificial intimate visual material.

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

SECTION 1. The heading to Chapter 98B, Civil Practice and
Remedies Code, is amended to read as follows:

CHAPTER 98B. UNLAWFUL PRODUCTION, SOLICITATION, DISCLOSURE, OR
PROMOTION OF INTIMATE VISUAL MATERIAL

SECTION 2. Section 98B.001, Civil Practice and Remedies
Code, is amended by amending Subdivision (1) and adding
Subdivisions (1-a), (3), and (4) to read as follows:

(1) "Artificial intimate visual material" means
computer-generated intimate visual material that was produced,
adapted, or modified using an artificial intelligence application
or other computer software in which the person is recognizable as an
actual person by a person's face, likeness, or other distinguishing
characteristic, such as a unique birthmark or other recognizable
feature.

(1-a) "Intimate parts," "promote," "sexual conduct,"
and "visual material" have the meanings assigned by Section 21.16,
Penal Code.

(3) "Nudification application" means an artificial
intelligence application that is primarily designed and marketed
for the purpose of producing artificial intimate visual material.

1 (4) "Social media platform" has the meaning assigned
2 by Section 120.001, Business & Commerce Code.

3 SECTION 3. Chapter 98B, Civil Practice and Remedies Code,
4 is amended by adding Sections 98B.0021, 98B.0022, 98B.008, and
5 98B.009 to read as follows:

6 Sec. 98B.0021. LIABILITY FOR UNLAWFUL PRODUCTION,
7 SOLICITATION, DISCLOSURE, OR PROMOTION OF CERTAIN ARTIFICIAL
8 INTIMATE VISUAL MATERIAL. A defendant is liable, as provided by
9 this chapter, to a person depicted in artificial intimate visual
10 material for damages arising from the production, solicitation,
11 disclosure, or promotion of the material if:

12 (1) the defendant produces, solicits, discloses, or
13 promotes the artificial intimate visual material without the
14 effective consent of the depicted person and with the intent to harm
15 that person;

16 (2) the production, solicitation, disclosure, or
17 promotion of the artificial intimate visual material causes harm to
18 the depicted person; and

19 (3) the production, solicitation, disclosure, or
20 promotion of the artificial intimate visual material reveals the
21 identity of the depicted person in any manner, including through:

22 (A) any accompanying or subsequent information
23 or material related to the artificial intimate visual material; or

24 (B) information or material provided by a third
25 party in response to the disclosure of the artificial intimate
26 visual material.

27 Sec. 98B.0022. LIABILITY OF OWNERS OF INTERNET WEBSITES AND

1 ARTIFICIAL INTELLIGENCE APPLICATIONS AND PAYMENT PROCESSORS. (a) A
2 person who owns an Internet website, including a social media
3 platform, on which artificial intimate visual material is produced
4 or disclosed in exchange for payment or a publicly accessible
5 nudification application from which the material is produced, and
6 any person who processes or facilitates payment for the production
7 or disclosure of the material through the website or application,
8 is liable, as provided by this chapter, to a person depicted in the
9 material for damages arising from the production or disclosure of
10 the material if the person knows or recklessly disregards that the
11 depicted person did not consent to the production or disclosure of
12 the material.

13 (b) A person who owns an Internet website, including a
14 social media platform, on which artificial intimate visual material
15 is disclosed is liable, as provided by this chapter, to the person
16 depicted in the material for damages arising from the disclosure of
17 the material if the person depicted requests the website to remove
18 the material and the website fails to do so within 72 hours after
19 the request is made.

20 Sec. 98B.008. CONFIDENTIAL IDENTITY IN CERTAIN
21 ACTIONS. (a) In this section, "confidential identity" means:

- 22 (1) the use of a pseudonym; and
23 (2) the absence of any other identifying information,
24 including address, telephone number, and social security number.

25 (b) Except as otherwise provided by this section, in a suit
26 brought under this chapter, the court shall:

- 27 (1) make it known to the claimant as early as possible

1 in the proceedings of the suit that the claimant may use a
2 confidential identity in relation to the suit;

3 (2) allow a claimant to use a confidential identity in
4 all petitions, filings, and other documents presented to the court;

5 (3) use the confidential identity in all of the court's
6 proceedings and records relating to the suit, including any
7 appellate proceedings; and

8 (4) maintain the records relating to the suit in a
9 manner that protects the confidentiality of the claimant.

10 (c) In a suit brought under this chapter, only the following
11 persons are entitled to know the true identifying information about
12 the claimant:

13 (1) the judge;

14 (2) a party to the suit;

15 (3) the attorney representing a party to the suit; and

16 (4) a person authorized by a written order of a court
17 specific to that person.

18 (d) The court shall order that a person entitled to know the
19 true identifying information under Subsection (c) may not divulge
20 that information to anyone without a written order of the court. A
21 court shall hold a person who violates the order in contempt.

22 (e) Notwithstanding Section 22.004, Government Code, the
23 supreme court may not amend or adopt rules in conflict with this
24 section.

25 (f) A claimant is not required to use a confidential
26 identity as provided by this section.

27 Sec. 98B.009. STATUTE OF LIMITATIONS. A person must bring

1 suit under this chapter not later than 10 years after the later of
2 the date on which:

3 (1) the person depicted in the intimate visual
4 material that is the basis for the suit reasonably discovers the
5 intimate visual material; or

6 (2) the person depicted in the intimate visual
7 material that is the basis for the suit turns 18 years of age.

8 SECTION 4. The change in law made by this Act applies only
9 to a cause of action that accrues on or after the effective date of
10 this Act.

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