

BILL ANALYSIS

C.S.S.B. 751
By: Hughes
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

As certain computer and video technologies become more accessible to the public, there is growing concern that certain of these tools may be used to study pictures and videos in order to generate a computer representation of a person appearing to say or do something that didn't actually occur. Among those concerns are that these videos, known as "deep fake videos," may be used to influence the outcome of an election. C.S.S.B. 751 seeks to address this issue by creating an offense for a person who fabricates and distributes such a video with the intent to influence the outcome of an election.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 751 amends the Election Code to create a Class A misdemeanor offense for a person who, with intent to injure a candidate or influence the result of an election, creates a deep fake video and causes the video to be published or distributed within 30 days of an election. The bill defines "deep fake video" as a video, created with the intent to deceive, that appears to depict a real person performing an action that did not occur in reality.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 751 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute revises the definition of "deep fake video" by removing the specification that such a video is one created with artificial intelligence.