BILL ANALYSIS

BACKGROUND AND PURPOSE

Since the emergence of artificial intelligence (AI) applications, individuals have found themselves featured in intimate visual material in which they were not an actual participant. Additionally, individuals have reported such instances as acts stemming from malicious intent in order to disrupt their public and physical image. H.B. 1896 seeks to address the growing issue of "Revenge Porn" by prohibiting AI applications from modifying intimate visual material featuring individuals who did not consent to the modification or are under the age of 18. Although the production of intimate visual material of children is prohibited, this legislation would ensure that any computer-generated visual material or AI application depiction of a child is also prohibited. H.B. 1896 aims to acknowledge the role of computer-generated visual material in producing intimate visual material and prohibit the wrongful use of an individual's physical image in such material.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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

H.B. 1896 amends the Penal Code and Civil Practice and Remedies Code to expand the types of visual material to which the offense of, or liability for, unlawful disclosure or promotion of intimate visual material applies to include a depiction of a person as follows:

- who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature; and
- whose image was used in creating, adapting, or modifying the visual material, including computer-generated visual material using an artificial intelligence application or other computer software.

The bill's provisions apply only to a cause of action that accrues, or an offense committed, on or after the bill's effective date. The bill provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.

EFFECTIVE DATE

September 1, 2023.