

BILL ANALYSIS

Senate Research Center
88R7731 JRR-D

H.B. 2700
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

With the advancement of technology comes new crimes that state law may not be able to address within the current construction of a given statute. Specifically, in the case of deepfake technology and artificial intelligence, allowing individuals to create sexually explicit visual material of another person, the state must now take action in order to combat predators who create explicit visual material involving minors. H.B. 2700 seeks to address this issue by clarifying the conduct that constitutes certain criminal offenses involving sexually explicit visual material of a minor or a child younger than 18 years of age.

H.B. 2700 amends current law relating to prosecution of certain criminal offenses prohibiting sexually explicit visual material involving children.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 43.26, Penal Code, by adding Subsection (i), as follows:

(i) Provides that for purposes of conduct prohibited under Section 43.26 (Possession or Promotion of Child Pornography), visual material to which that conduct applies includes a depiction of a child:

(1) 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

(2) whose image as a child younger than 18 years of age was used in creating, adapting, or modifying the visual material, including computer-generated visual material that was created, adapted, or modified using an artificial intelligence application or other computer software.

SECTION 2. Amends Section 43.261, Penal Code, by adding Subsection (b-1), as follows:

(b-1) Provides that for purposes of conduct prohibited under Subsection (b) (relating to providing that a person who is a minor commits an offense if the person intentionally or knowingly meets certain criteria involving visual material depicting a minor, including the actor, engaging in sexual conduct), visual material to which that conduct applies includes a depiction of a minor:

(1) 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

(2) whose image as a minor was used in creating, adapting, or modifying the visual material, including computer-generated visual material that was created,

adapted, or modified using an artificial intelligence application or other computer software.

SECTION 3. Amends Section 43.262, Penal Code, by adding Subsection (b-1), as follows:

(b-1) Provides that for purposes of conduct prohibited under Subsection (b) (relating to providing that a person commits an offense if the person knowingly possesses, accesses with intent to view, or promotes visual material that meet certain criteria), visual material to which that conduct applies includes a depiction of a child:

(1) 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

(2) whose image as a child younger than 18 years of age was used in creating, adapting, or modifying the visual material, including computer-generated visual material that was created, adapted, or modified using an artificial intelligence application or other computer software.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2023.