

## **BILL ANALYSIS**

H.B. 2700  
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Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

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.

### **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. 2700 amends the Penal Code to clarify that for purposes of conduct that constitutes the offenses of possession or promotion of child pornography, electronic transmission of certain visual material depicting a minor, or possession or promotion of lewd visual material depicting a child, visual material includes a depiction of a child or minor:

- 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 as a child younger than 18 years of age or 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.

The bill applies only to 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.