

## **BILL ANALYSIS**

Senate Research Center  
89R1413 CJD-F

H.B. 449  
By: González, Mary (Huffman)  
Criminal Justice  
5/15/2025  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In 2023, the legislature passed S.B. 1361, making it a criminal offense to knowingly produce or distribute a deep fake video without the effective consent of the depicted individual that appears to show them with intimate parts exposed or engaged in sexual conduct. H.B. 45 builds on those efforts by extending the current statute to include sexually explicit deep fake images in the scope of the conduct that constitutes the offense of unlawful production or distribution of certain sexually explicit videos.

H.B. 449 amends current law relating to the unlawful production or distribution of sexually explicit images using deep fake technology.

### **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 the heading to Section 21.165, Penal Code, to read as follows:

Sec. 21.165. UNLAWFUL PRODUCTION OR DISTRIBUTION OF CERTAIN SEXUALLY EXPLICIT IMAGES OR VIDEOS.

SECTION 2. Amends Section 21.165(a), Penal Code, by amending Subdivision (1) and adding Subdivision (1-a) to define "deep fake image."

SECTION 3. Amends Section 21.165(b), Penal Code, to provide that a person commits an offense if, without the effective consent of the person appearing to be depicted, the person knowingly produces or distributes by electronic means a deep fake image or deep fake video that appears to depict the person with the person's intimate parts exposed or engaged in sexual conduct.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2025.