

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 449
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Criminal Justice
5/20/2025
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

With the rapid expansion of artificial intelligence, technology is now being used to intentionally deceive and cause harm to others. Utilizing artificial intelligence and computer software to create "deep fake" pornography has become concerning. 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. However, this doesn't criminalize sexually explicit photos that are created of people without their consent.

BILL SUMMARY:

- H.B. 449 would include deep fake sexually explicit photographs as illegal under the current statute.
- An offense under this section is punishable as a Class A misdemeanor.

COMMITTEE SUBSTITUTE:

- The committee substitute incorporates a more encompassing definition of "deep fake media" that includes multiple mediums. This is the same definition that was used in S.B. 442 by Senator Juan "Chuy" Hinojosa that passed out of Criminal Justice on March 4, 2025.

C.S.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 MEDIA.

SECTION 2. Amends Section 21.165(a)(1), Penal Code, to define "deep fake media" rather than "deep fake video."

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 deep fake media, rather than a 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.