

BILL ANALYSIS

H.B. 581
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The use of a "deepfake" was first reported in 2017 when an anonymous Reddit user posted visually realistic videos featuring sexual material based on an artificial intelligence (AI) algorithm. As AI technology advances and becomes more accessible to the public online, the scope and proliferation of deepfakes with sexual material has increased, which could be particularly harmful to children. In fact, there has been a growing number of instances in which children have been victims of deepfakes created by their peers, as reported by NBC News and USA Today. H.B. 581 seeks to protect children against deepfakes and prevent their exploitation by requiring providers of websites or applications that create deepfakes harmful to minors to verify that the user is over 18 years of age and to ensure that the source of such a deepfake is at least 18 years old and consents to such use.

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. 581 amends the Civil Practice and Remedies Code to require a commercial entity that operates a website with a publicly accessible tool for creating artificial sexual material harmful to minors or otherwise makes publicly available an application for creating sexual material harmful to minors to use reasonable age verification methods in order to verify an individual attempting to access the tool is 18 years of age or older. The bill prohibits such a commercial entity or a third party that performs the reasonable age verification methods from retaining any of an individual's identifying information.

H.B. 581 requires a commercial entity that operates a website with a publicly accessible tool for creating artificial sexual material harmful to minors or otherwise makes publicly available an application for creating artificial sexual material harmful to minors to ensure that an individual used as a source for the material is 18 years of age or older and has consented to the use of their face and body as a source for the material. The bill extends to these provisions the applicability of the civil penalty scale for a civil penalty imposed for a violation of statutory provisions relating to the publication of material harmful to minors and to reasonable age verification methods.

H.B. 581 defines "artificial sexual material harmful to minors" as computer-generated sexual material harmful to minors that was produced, adapted, or modified using an artificial

intelligence application or other computer software in which a person 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.

EFFECTIVE DATE

September 1, 2025.