

## **BILL ANALYSIS**

H.B. 3133  
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Trade, Workforce & Economic Development  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The bill author has informed the committee of the growing issue of explicit deep fake material on social media platforms, which can be used to harass or exploit individuals without their consent, and that clearer reporting and investigation processes are necessary to ensure that timely action is taken to protect individuals from this harmful technology. H.B. 3133 seeks to resolve this issue by requiring social media platforms to provide an accessible complaint system for users to report such content, confirm to the user within 48 hours of the user's submission that the social media platform is aware of the material, conduct investigations, and update users on the status of their complaints.

### **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. 3133 amends the Business & Commerce Code to require a social media platform that receives notice of explicit deep fake material on the platform to conduct an investigation to determine whether the content reported by the user is explicit deep fake material. The bill sets out the following provisions regarding the social media platform's responsibilities with respect to the investigation:

- an authorization to collect additional information necessary to complete the investigation;
- a requirement to complete the investigation not later than the 30th day after the date the user submitted the report to the platform or, if the platform cannot complete the investigation due to circumstances that are reasonably beyond the platform's control, not later than the 60th day after the date the user submitted the report;
- a requirement to provide notice to the user who submitted the report of any anticipated delay not later than 48 hours after the platform becomes aware of the circumstances that cause the delay;
- an authorization to restore the material, if the platform determines after the investigation that the reported material is not explicit deep fake material; and
- a requirement to implement measures to ensure material determined to be explicit deep fake material is not posted on the platform again.

H.B. 3133 defines the following terms for those purposes:

- "deep fake generator" as a website or application that allows a user to create or generate deep fake material using software provided by the website or application, not including a separate platform on which deep fake material is posted, sent, or distributed;
- "deep fake material" as visual material, created with the intent to deceive, that appears to depict a real person performing an action that did not occur in reality;
- "explicit deep fake material" as deep fake material that appears to depict a real person engaging in sexual conduct or other conduct resulting in the exposure of the person's intimate parts; and
- "intimate parts," "sexual conduct," and "visual material" by reference to Penal Code provisions regarding the unlawful disclosure or promotion of intimate visual material.

H.B. 3133 expands the scope of the easily accessible complaint system a social media platform must provide for submitting and tracking complaints to include complaints regarding explicit deep fake material. The bill requires a social media platform that receives notice of explicit deep fake material on the platform to take the following actions:

- remove the content reported by the user as explicit deep fake material;
- confirm to the user not later than 48 hours after the user submits the notice that the platform is aware of the material;
- conduct an investigation as required by the bill's provisions; and
- provide a written notice to the user updating the user on the status of the investigation not later than the seventh day after the date the user submitted the report to the platform.

The bill establishes that a social media platform is not required to provide a user with notice or an opportunity to appeal the removal of content if the platform removed the content due to a complaint that the content was explicit deep fake material.

#### **EFFECTIVE DATE**

September 1, 2025.