By:  González of El Paso, et al. H.B. No. 449

     (Senate Sponsor - Huffman)

(In the Senate - Received from the House May 7, 2025; May 7, 2025, read first time and referred to Committee on Criminal Justice; May 21, 2025, reported adversely, with favorable Committee Substitute by the following vote: Yeas 6, Nays 0; May 21, 2025, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Flores          X

Parker          X

Hagenbuch       X

Hinojosa of Hidalgo  X

Huffman                   X

King            X

Miles           X

COMMITTEE SUBSTITUTE FOR H.B. No. 449 By:  Flores

A BILL TO BE ENTITLED

AN ACT

relating to the unlawful production or distribution of sexually explicit media using deep fake technology.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  The heading to Section 21.165, Penal Code, is amended to read as follows:

Sec. 21.165.  UNLAWFUL PRODUCTION OR DISTRIBUTION OF CERTAIN SEXUALLY EXPLICIT MEDIA [~~VIDEOS~~].

SECTION 2.  Section 21.165(a)(1), Penal Code, is amended to read as follows:

(1)  "Deep fake media [~~video~~]" means a visual depiction [~~a video,~~] created or altered through [~~with~~] the use of software, machine learning, artificial intelligence, or any other computer-generated or technological means, including by adapting, modifying, manipulating, or altering an authentic visual depiction manually or through an automated process [~~intent to deceive~~], that appears to a reasonable person to depict a real person, indistinguishable from an authentic visual depiction of the real person, performing an action that did not occur in reality.

SECTION 3.  Section 21.165(b), Penal Code, is amended to read as follows:

(b)  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 media [~~video~~] that appears to depict the person with the person's intimate parts exposed or engaged in sexual conduct.

SECTION 4.  The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 5.  This Act takes effect September 1, 2025.

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