

By: Leo Wilson

H.B. No. 387

A BILL TO BE ENTITLED

AN ACT

relating to the unlawful production or distribution of sexually explicit images or videos using deep fake technology; increasing a criminal penalty.

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 IMAGES OR VIDEOS.

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

(1) "Deep fake image or video" means an image or [a] video, created with the intent to deceive, that appears to depict a real person performing an action that did not occur in reality.

SECTION 3. Sections 21.165(b) and (c), Penal Code, are 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 image or video that appears to depict the person with the person's intimate parts exposed or engaged in sexual conduct.

(c) An offense under this section is a state jail felony [~~Class A misdemeanor~~].

SECTION 4. The change in law made by this Act applies only

1 to an offense committed on or after the effective date of this Act.
2 An offense committed before the effective date of this Act is
3 governed by the law in effect on the date the offense was committed,
4 and the former law is continued in effect for that purpose. For
5 purposes of this section, an offense was committed before the
6 effective date of this Act if any element of the offense occurred
7 before that date.

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