

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

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

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

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

\_\_\_\_\_  
President of the Senate

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Speaker of the House

I certify that H.B. No. 449 was passed by the House on May 6, 2025, by the following vote: Yeas 147, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 449 on May 28, 2025, by the following vote: Yeas 134, Nays 1, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 449 was passed by the Senate, with amendments, on May 23, 2025, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

\_\_\_\_\_  
Governor