

By: González of El Paso

H.B. No. 449

A BILL TO BE ENTITLED

AN ACT

relating to the unlawful production or distribution of sexually explicit images 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 IMAGES OR VIDEOS.

SECTION 2. Section 21.165(a), Penal Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows:

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

(1-a) "Deep fake video" means 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. 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 image or deep fake video that appears to depict the person with the person's intimate parts exposed or engaged in sexual conduct.

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

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