

1-1 By: González of El Paso, et al. H.B. No. 449
1-2 (Senate Sponsor - Huffman)
1-3 (In the Senate - Received from the House May 7, 2025;
1-4 May 7, 2025, read first time and referred to Committee on Criminal
1-5 Justice; May 21, 2025, reported adversely, with favorable
1-6 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-7 May 21, 2025, sent to printer.)

1-8 COMMITTEE VOTE

1-9		Yea	Nay	Absent	PNV
1-10	Flores	X			
1-11	Parker	X			
1-12	Hagenbuch	X			
1-13	Hinojosa of Hidalgo	X			
1-14	Huffman			X	
1-15	King	X			
1-16	Miles	X			

1-17 COMMITTEE SUBSTITUTE FOR H.B. No. 449 By: Flores

1-18 A BILL TO BE ENTITLED
1-19 AN ACT

1-20 relating to the unlawful production or distribution of sexually
1-21 explicit media using deep fake technology.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. The heading to Section 21.165, Penal Code, is
1-24 amended to read as follows:

1-25 Sec. 21.165. UNLAWFUL PRODUCTION OR DISTRIBUTION OF CERTAIN
1-26 SEXUALLY EXPLICIT MEDIA [VIDEOS].

1-27 SECTION 2. Section 21.165(a)(1), Penal Code, is amended to
1-28 read as follows:

1-29 (1) "Deep fake media [~~video~~]" means a visual depiction
1-30 [~~a video~~], created or altered through [~~with~~] the use of software,
1-31 machine learning, artificial intelligence, or any other
1-32 computer-generated or technological means, including by adapting,
1-33 modifying, manipulating, or altering an authentic visual depiction
1-34 manually or through an automated process [~~intent to deceive~~], that
1-35 appears to a reasonable person to depict a real person,
1-36 indistinguishable from an authentic visual depiction of the real
1-37 person, performing an action that did not occur in reality.

1-38 SECTION 3. Section 21.165(b), Penal Code, is amended to
1-39 read as follows:

1-40 (b) A person commits an offense if, without the effective
1-41 consent of the person appearing to be depicted, the person
1-42 knowingly produces or distributes by electronic means [~~a~~] deep fake
1-43 media [~~video~~] that appears to depict the person with the person's
1-44 intimate parts exposed or engaged in sexual conduct.

1-45 SECTION 4. The change in law made by this Act applies only
1-46 to an offense committed on or after the effective date of this Act.
1-47 An offense committed before the effective date of this Act is
1-48 governed by the law in effect on the date the offense was committed,
1-49 and the former law is continued in effect for that purpose. For
1-50 purposes of this section, an offense was committed before the
1-51 effective date of this Act if any element of the offense occurred
1-52 before that date.

1-53 SECTION 5. This Act takes effect September 1, 2025.

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