

By: Talarico

H.B. No. 2795

A BILL TO BE ENTITLED

AN ACT

relating to criminal offenses for creating and distributing certain misleading images and videos; creating a criminal offense.

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

SECTION 1. The heading to Section 255.004, Election Code, is amended to read as follows:

Sec. 255.004. FALSE IMAGES, VIDEOS, AND SOURCES [~~TRUE SOURCE~~] OF COMMUNICATION.

SECTION 2. Section 255.004, Election Code, is amended by amending Subsections (c), (d), and (e) and adding Subsections (d-1) and (d-2) to read as follows:

(c) An offense under Subsection (a), (b), or (d) [~~this section~~] is a Class A misdemeanor. An offense under Subsection (d-1) is a Class B misdemeanor.

(d) A person commits an offense if the person, with the intent to deceive and with the intent to injure a candidate or influence the result of an election:

(1) creates or causes to be created a deep fake video; and

(2) publishes, distributes, or causes [~~the deep fake video~~] to be published or distributed the deep fake video [~~within 30 days of an election~~].

(d-1) A person commits an offense if the person, with the intent to deceive and influence the result of an election:

1 (1) creates or causes to be created an altered image;

2 and

3 (2) publishes, distributes, or causes to be published
4 or distributed the altered image.

5 (d-2) It is an affirmative defense to prosecution for an
6 offense under Subsection (d-1) if the person includes on the image a
7 clear label stating that the image is altered.

8 (e) In this section:[7]

9 (1) "Altered image" means an image that has been
10 manipulated to change the physical appearance of an individual or
11 depict an individual performing an action that did not occur. The
12 term does not include:

13 (A) a cartoon, caricature, or any other image
14 that a reasonable viewer would understand to be a satirical
15 representation of the individual; or

16 (B) an image altered only to change the
17 saturation, brightness, contrast, color, or any other superficial
18 quality of the image.

19 (2) "Deep ["~~deep~~] fake video" means a video[~~, created~~
20 ~~with the intent to deceive,~~] that appears to depict a real person
21 performing an action that did not occur in reality.

22 SECTION 3. The change in law made by this Act applies only
23 to an offense committed on or after the effective date of this Act.
24 An offense committed before the effective date of this Act is
25 governed by the law in effect on the date the offense was committed,
26 and the former law is continued in effect for that purpose. For
27 purposes of this section, an offense was committed before the

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1 effective date of this Act if any element of the offense occurred
2 before that date.

3 SECTION 4. This Act takes effect September 1, 2025.