

By: Hinojosa of Hidalgo, et al.

S.B. No. 441

A BILL TO BE ENTITLED

AN ACT

relating to civil liability for the production, solicitation,  
disclosure, or promotion of artificial intimate visual material.

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

SECTION 1. The heading to Chapter 98B, Civil Practice and  
Remedies Code, is amended to read as follows:

CHAPTER 98B. UNLAWFUL PRODUCTION, SOLICITATION, DISCLOSURE, OR  
PROMOTION OF INTIMATE VISUAL MATERIAL

SECTION 2. Section 98B.001, Civil Practice and Remedies  
Code, is amended by amending Subdivision (1) and adding  
Subdivisions (1-a), (3), and (4) to read as follows:

(1) "Artificial intimate visual material" means  
computer-generated intimate visual material that was produced,  
adapted, or modified using an artificial intelligence application  
or other computer software in which the person is recognizable as an  
actual person by a person's face, likeness, or other distinguishing  
characteristic, such as a unique birthmark or other recognizable  
feature.

(1-a) "Intimate parts," "promote," "sexual conduct,"  
and "visual material" have the meanings assigned by Section 21.16,  
Penal Code.

(3) "Nudification application" means an artificial  
intelligence application that is primarily designed and marketed  
for the purpose of producing artificial intimate visual material.

1           (4) "Social media platform" has the meaning assigned  
2 by Section 120.001, Business & Commerce Code.

3           SECTION 3. Chapter 98B, Civil Practice and Remedies Code,  
4 is amended by adding Sections 98B.0021, 98B.0022, 98B.008, and  
5 98B.009 to read as follows:

6           Sec. 98B.0021. LIABILITY FOR UNLAWFUL PRODUCTION,  
7 SOLICITATION, DISCLOSURE, OR PROMOTION OF CERTAIN ARTIFICIAL  
8 INTIMATE VISUAL MATERIAL. A defendant is liable, as provided by  
9 this chapter, to a person depicted in artificial intimate visual  
10 material for damages arising from the production, solicitation,  
11 disclosure, or promotion of the material if:

12           (1) the defendant produces, solicits, discloses, or  
13 promotes the artificial intimate visual material without the  
14 effective consent of the depicted person and with the intent to harm  
15 that person;

16           (2) the production, solicitation, disclosure, or  
17 promotion of the artificial intimate visual material causes harm to  
18 the depicted person; and

19           (3) the production, solicitation, disclosure, or  
20 promotion of the artificial intimate visual material reveals the  
21 identity of the depicted person in any manner, including through:

22           (A) any accompanying or subsequent information  
23 or material related to the artificial intimate visual material; or

24           (B) information or material provided by a third  
25 party in response to the disclosure of the artificial intimate  
26 visual material.

27           Sec. 98B.0022. LIABILITY OF OWNERS OF INTERNET WEBSITES AND

1 ARTIFICIAL INTELLIGENCE APPLICATIONS AND PAYMENT PROCESSORS. (a) A  
2 person who owns an Internet website, including a social media  
3 platform, on which artificial intimate visual material is produced  
4 or disclosed in exchange for payment or a publicly accessible  
5 nudification application from which the material is produced, and  
6 any person who processes or facilitates payment for the production  
7 or disclosure of the material through the website or application,  
8 is liable, as provided by this chapter, to a person depicted in the  
9 material for damages arising from the production or disclosure of  
10 the material if the person knows or recklessly disregards that the  
11 depicted person did not consent to the production or disclosure of  
12 the material.

13 (b) A person who owns an Internet website, including a  
14 social media platform, on which artificial intimate visual material  
15 is disclosed is liable, as provided by this chapter, to the person  
16 depicted in the material for damages arising from the disclosure of  
17 the material if the person depicted requests the website to remove  
18 the material and the website fails to:

19 (1) notify the person making the request that the  
20 owner has received the request within 24 hours of receiving the  
21 request; or

22 (2) remove the material within 72 hours of receiving  
23 the request.

24 (c) A person who owns an Internet website, including a  
25 social media platform, shall make available on the Internet website  
26 an easily accessible system that allows a person to submit a request  
27 for the removal of artificial intimate visual material and track

1 the status of the request.

2 Sec. 98B.008. CONFIDENTIAL IDENTITY IN CERTAIN  
3 ACTIONS. (a) In this section, "confidential identity" means:

4 (1) the use of a pseudonym; and  
5 (2) the absence of any other identifying information,  
6 including address, telephone number, and social security number.

7 (b) Except as otherwise provided by this section, in a suit  
8 brought under this chapter, the court shall:

9 (1) make it known to the claimant as early as possible  
10 in the proceedings of the suit that the claimant may use a  
11 confidential identity in relation to the suit;

12 (2) allow a claimant to use a confidential identity in  
13 all petitions, filings, and other documents presented to the court;

14 (3) use the confidential identity in all of the court's  
15 proceedings and records relating to the suit, including any  
16 appellate proceedings; and

17 (4) maintain the records relating to the suit in a  
18 manner that protects the confidentiality of the claimant.

19 (c) In a suit brought under this chapter, only the following  
20 persons are entitled to know the true identifying information about  
21 the claimant:

22 (1) the judge;  
23 (2) a party to the suit;  
24 (3) the attorney representing a party to the suit; and  
25 (4) a person authorized by a written order of a court  
26 specific to that person.

27 (d) The court shall order that a person entitled to know the

1 true identifying information under Subsection (c) may not divulge  
2 that information to anyone without a written order of the court. A  
3 court shall hold a person who violates the order in contempt.

4 (e) Notwithstanding Section 22.004, Government Code, the  
5 supreme court may not amend or adopt rules in conflict with this  
6 section.

7 (f) A claimant is not required to use a confidential  
8 identity as provided by this section.

9 Sec. 98B.009. STATUTE OF LIMITATIONS. A person must bring  
10 suit under this chapter not later than 10 years after the later of  
11 the date on which:

12 (1) the person depicted in the intimate visual  
13 material that is the basis for the suit reasonably discovers the  
14 intimate visual material; or

15 (2) the person depicted in the intimate visual  
16 material that is the basis for the suit turns 18 years of age.

17 SECTION 4. The change in law made by this Act applies only  
18 to a cause of action that accrues on or after the effective date of  
19 this Act.

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