

By: Hinojosa of Hidalgo, et al.  
(Lalani)

S.B. No. 441

Substitute the following for S.B. No. 441:

By: Johnson

C.S.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), (1-b), (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, voice, or other  
distinguishing characteristic, such as a unique birthmark or other  
recognizable feature which, when viewed by a reasonable person, is  
indistinguishable from the person depicted.

(1-a) "Consent" means affirmative, conscious, and  
voluntary agreement, made by a person freely and without coercion,  
fraud, or misrepresentation.

(1-b) "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.

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

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

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

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

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

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

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

1                   (B) information or material provided by a third  
2 party in response to the disclosure of the artificial intimate  
3 visual material.

4           Sec. 98B.0022. LIABILITY OF OWNERS OF INTERNET WEBSITES AND  
5 ARTIFICIAL INTELLIGENCE APPLICATIONS AND PAYMENT PROCESSORS. (a) A  
6 person who owns an Internet website or application, including a  
7 social media platform, on which artificial intimate visual material  
8 is produced or disclosed in exchange for payment or a publicly  
9 accessible nudification application from which the material is  
10 produced, and any person who processes or facilitates payment for  
11 the production or disclosure of the material through the website or  
12 application, is liable, as provided by this chapter, to a person  
13 depicted in the material for damages arising from the production or  
14 disclosure of the material if the person knows or recklessly  
15 disregards that the depicted person did not consent to the  
16 production or disclosure of the material.

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

24                   (1) notify the person making the request that the  
25 owner has received the request within 24 hours of receiving the  
26 request; or

27                   (2) remove the material within 72 hours of receiving

1 the request and make reasonable efforts to identify and remove any  
2 known identical copies of such material.

3 (c) A person who owns an Internet website or application,  
4 including a social media platform, shall make available on the  
5 website or application an easily accessible system that allows a  
6 person to submit a request for the removal of artificial intimate  
7 visual material and track the status of the request.

8 (d) A person who owns an Internet website or application,  
9 including a social media platform, shall make available on the  
10 website or application a clear and conspicuous notice, which may be  
11 provided through a clear and conspicuous link to another web page or  
12 disclosure, of the removal process established under Subsection  
13 (c), that:

14 (1) is written in plain language that is easy to read;  
15 and

16 (2) provides information regarding the  
17 responsibilities of the person who owns the website or application  
18 under this section, including a description of how a person can  
19 submit a request for the removal of artificial intimate visual  
20 material and how to track the status of the request.

21 (e) A violation of Subsection (b), (c), or (d) is a  
22 deceptive trade practice actionable under Subchapter E, Chapter 17,  
23 Business & Commerce Code.

24 (f) The attorney general may investigate and bring an action  
25 for injunctive relief against a person who repeatedly violates  
26 Subsection (b), (c), or (d). If the attorney general prevails in  
27 the action, the attorney general may recover costs and attorney's

1 fees.

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.