

1-1 By: Hinojosa of Hidalgo S.B. No. 441
1-2 (In the Senate - Filed November 21, 2024; February 3, 2025,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 March 6, 2025, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; March 6, 2025, sent to printer.)

1-6 COMMITTEE VOTE

1-7	Yea	Nay	Absent	PNV
1-8	Flores	X		
1-9	Parker	X		
1-10	Hagenbuch	X		
1-11	Hinojosa of Hidalgo	X		
1-12	Huffman	X		
1-13	King	X		
1-14	Miles	X		

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to civil liability for the production, solicitation,
1-18 disclosure, or promotion of artificial intimate visual material.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. The heading to Chapter 98B, Civil Practice and
1-21 Remedies Code, is amended to read as follows:

1-22 CHAPTER 98B. UNLAWFUL PRODUCTION, SOLICITATION, DISCLOSURE, OR
1-23 PROMOTION OF INTIMATE VISUAL MATERIAL

1-24 SECTION 2. Section 98B.001, Civil Practice and Remedies
1-25 Code, is amended by amending Subdivision (1) and adding
1-26 Subdivisions (1-a), (3), and (4) to read as follows:

1-27 (1) "Artificial intimate visual material" means
1-28 computer-generated intimate visual material that was produced,
1-29 adapted, or modified using an artificial intelligence application
1-30 or other computer software in which the person is recognizable as an
1-31 actual person by a person's face, likeness, or other distinguishing
1-32 characteristic, such as a unique birthmark or other recognizable
1-33 feature.

1-34 (1-a) "Intimate parts," "promote," "sexual conduct,"
1-35 and "visual material" have the meanings assigned by Section 21.16,
1-36 Penal Code.

1-37 (3) "Nudification application" means an artificial
1-38 intelligence application that is primarily designed and marketed
1-39 for the purpose of producing artificial intimate visual material.

1-40 (4) "Social media platform" has the meaning assigned
1-41 by Section 120.001, Business & Commerce Code.

1-42 SECTION 3. Chapter 98B, Civil Practice and Remedies Code,
1-43 is amended by adding Sections 98B.0021, 98B.0022, 98B.008, and
1-44 98B.009 to read as follows:

1-45 Sec. 98B.0021. LIABILITY FOR UNLAWFUL PRODUCTION,
1-46 SOLICITATION, DISCLOSURE, OR PROMOTION OF CERTAIN ARTIFICIAL
1-47 INTIMATE VISUAL MATERIAL. A defendant is liable, as provided by
1-48 this chapter, to a person depicted in artificial intimate visual
1-49 material for damages arising from the production, solicitation,
1-50 disclosure, or promotion of the material if:

1-51 (1) the defendant produces, solicits, discloses, or
1-52 promotes the artificial intimate visual material without the
1-53 effective consent of the depicted person and with the intent to harm
1-54 that person;

1-55 (2) the production, solicitation, disclosure, or
1-56 promotion of the artificial intimate visual material causes harm to
1-57 the depicted person; and

1-58 (3) the production, solicitation, disclosure, or
1-59 promotion of the artificial intimate visual material reveals the
1-60 identity of the depicted person in any manner, including through:

1-61 (A) any accompanying or subsequent information

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

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

(b) A person who owns an Internet website, including a social media platform, on which artificial intimate visual material is disclosed is liable, as provided by this chapter, to the person depicted in the material for damages arising from the disclosure of the material if the person depicted requests the website to remove the material and the website fails to do so within 72 hours after the request is made.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3-1 SECTION 5. This Act takes effect September 1, 2025.

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