

House Bill 449
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

Sec. 21.165. UNLAWFUL PRODUCTION OR DISTRIBUTION OF CERTAIN SEXUALLY EXPLICIT IMAGES OR VIDEOS.

SECTION 2. Section 21.165(a), Penal Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows:

(1) "Deep fake image" means an image, created with the intent to deceive, that appears to depict a real person performing an action that did not occur in reality.

(1-a) "Deep fake video" means a video, created with the intent to deceive, that appears to depict a real person performing an action that did not occur in reality.

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

(b) A person commits an offense if, without the effective consent of the person appearing to be depicted, the person knowingly produces or distributes by electronic means a deep fake image or deep fake video that appears to depict the

SENATE VERSION (CS)

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

Sec. 21.165. UNLAWFUL PRODUCTION OR DISTRIBUTION OF CERTAIN SEXUALLY EXPLICIT MEDIA [~~VIDEOS~~].

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

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

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

(b) A person commits an offense if, without the effective consent of the person appearing to be depicted, the person knowingly produces or distributes by electronic means [~~a~~] deep fake media [~~video~~] that appears to depict the person

CONFERENCE

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HOUSE VERSION	SENATE VERSION (CS)	CONFERENCE
person with the person's intimate parts exposed or engaged in sexual conduct.	with the person's intimate parts exposed or engaged in sexual conduct.	
SECTION 4. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.	SECTION 4. Same as House version.	
SECTION 5. This Act takes effect September 1, 2025.	SECTION 5. Same as House version.	