

SUBJECT: Creating offense for producing explicit videos using certain technology

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Moody, Cook, Bhojani, Bowers, Darby, Harrison, Leach, C. Morales, Schatzline
0 nays

SENATE VOTE: On final passage (April 20) — 31 – 0

WITNESSES: For — (*Registered, but did not testify:* Casey Hall, Judy Price, 97th District Attorney; Jennifer Tharp, Comal County Criminal District Attorney's Office; M Paige Williams, Dallas County Criminal District Attorney John Creuzot; James Parnell, Dallas Police Association; David Batton, Harris County Deputies Organization FOP 39; Ray Hunt, Houston Police Officers' Union; Carlos Ortiz, San Antonio Police Officers' Association; Cindi Castilla, Texas Eagle Forum; John Wilkerson, Texas Municipal Police Association; John Chancellor, Texas Police Chiefs' Association; David Dunmoyer, Texas Public Policy Foundation; Natalie Ibe, True Texas Project; Thomas Parkinson)

Against — None

BACKGROUND: Concerns have been raised that new technologies have led to the creation of deep fake pornography in which the likeness of a person is digitally altered and used in sexually explicit videos.

DIGEST: SB 1361 would establish an offense for a person to knowingly produce or distribute by electronic means a deep fake video that appeared to depict a person, without the effective consent of the person appearing to be depicted, engaged in sexual conduct or with the person's intimate parts exposed. The offense would be a Class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000).

If conduct constituting an offense under the bill also constituted an

offense under another law, the actor committing the offense could be prosecuted under this provision or another law.

Under the bill, "deep fake video" would be defined as a video, created with the intent to deceive, that appeared to depict a real person performing an action that did not occur in reality.

The bill would take effect September 1, 2023.