

## **BILL ANALYSIS**

Senate Research Center  
88R13890 JRR-F

S.B. 1361  
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Criminal Justice  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

With the rapid expansion of artificial intelligence, technology is now being used to intentionally deceive and cause harm to others. Utilizing artificial intelligence and computer software to create "deep fake" pornography has become concerning to many.

Deep fake pornography is when the likeness of one person is digitally altered to look like someone else and is inserted into a video in which sexual conduct is occurring or intimate parts are exposed.

To address this issue, S.B. 1361 would make it a criminal 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 video that appears to depict the person with the person's intimate parts exposed or engaged in sexual conduct.

An offense under this section would be a Class A misdemeanor.

As proposed, S.B. 1361 amends current law relating to the unlawful production or distribution of sexually explicit videos using deep fake technology and creates a criminal offense.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 21, Penal Code, by adding Section 21.165, as follows:

Sec. 21.165. UNLAWFUL PRODUCTION OR DISTRIBUTION OF CERTAIN SEXUALLY EXPLICIT VIDEOS. (a) Defines "deep fake video," "intimate parts," and "sexual conduct."

(b) Provides that 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 video that appears to depict the person with the person's intimate parts exposed or engaged in sexual conduct.

(c) Provides that an offense under this section is a Class A misdemeanor.

(d) Provides that the actor, if conduct that constitutes an offense under this section also constitutes an offense under another law, is authorized to be prosecuted under this section or the other law.

SECTION 2. Effective date: September 1, 2023.