

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 2140, Page 16, Section 115.637, Line 82,
2 by inserting after all of said section and line the following:

3
4 "115.645. 1. For the purposes of this section, the following terms shall mean:

5 (1) "Deceptive and fraudulent deepfake", synthetic media that depicts a candidate or
6 political party with the intent to injure the reputation of the candidate or party or otherwise deceive a
7 voter that:

8 (a) Appears to a reasonable person to depict a real individual saying or doing something that
9 did not actually occur; or

10 (b) Provides a reasonable person a fundamentally different understanding or impression of
11 the appearance, action, or speech of a candidate or party than such person would have from an
12 unaltered, original version of the image, audio recording, or video recording;

13 (2) "Synthetic media", an image, audio recording, or video recording of an individual's
14 appearance, speech, or conduct that has been created or intentionally manipulated with the use of
15 generative adversarial network techniques or other digital technology in a manner to create a
16 realistic but false image, audio, or video.

17 2. Except as provided in subsection 3 of this section, a person, corporation, committee, or
18 other entity shall not, within ninety days of an election at which a candidate for elective office will
19 appear on the ballot, distribute a synthetic media message that the person, corporation, committee,
20 or other entity knows or should have known is a deceptive and fraudulent deepfake of a candidate or
21 party on the state or local ballot.

22 3. (1) The provisions of subsection 2 of this section shall not apply if the audio or visual
23 media includes a disclosure stating: "This _____ has been manipulated or generated by artificial
24 intelligence."

25 (2) The blank shall be filled in with whichever of the following terms most accurately
26 describes the media: image, video, or audio.

27 (3) For visual media, the text of the disclosure shall appear in a size no smaller than the
28 largest font size of other text appearing in the visual media. If the visual media does not include any
29 other text, the disclosure shall appear in a size that is easily readable by the average viewer. For
30 visual media in video format, the disclosure shall appear for the duration of the video.

Action Taken _____ Date _____

1 (4) If the media consists of audio only, the disclosure shall be read in a clearly spoken
2 manner and in a pitch that can be easily heard by the average listener at the beginning of the audio,
3 at the end of the audio, and, if the audio is greater than two minutes in length, interspersed within
4 the audio at intervals not to exceed two minutes in length.

5 4. A candidate whose appearance, action, or speech is depicted through the use of a
6 deceptive and fraudulent deepfake in violation of subsection 2 of this section may seek injunctive or
7 other equitable relief prohibiting the publication of such deceptive and fraudulent deepfake.

8 5. A person who violates the provisions of subsection 2 of this section may be subject to the
9 following penalties:

10 (1) A class B misdemeanor;

11 (2) A class A misdemeanor if the person commits the violation with the intent to cause
12 violence or bodily harm; or

13 (3) A class E felony if the person commits the violation within five years of one or more
14 prior convictions under this section.

15 6. This section shall not apply to a radio or television broadcasting station, including a cable
16 or satellite television operator, programmer, or producer, that broadcasts a deceptive and fraudulent
17 deepfake prohibited by this section as part of a bona fide newscast, news interview, news
18 documentary, or on-the-spot coverage of bona fide news events, if the broadcast clearly
19 acknowledges through content or a disclosure, in a manner that can be easily heard or read by the
20 average listener or viewer, that there are questions about the authenticity of the materially deceptive
21 audio or visual media.

22 7. This section shall not apply to a radio or television broadcasting station, including a cable
23 or satellite television operator, programmer, or producer, or website developer or owner, when it is
24 paid to broadcast a deceptive and fraudulent deepfake. The responsibility and liability shall rest
25 solely with the advertiser or entity that paid to broadcast the deceptive and fraudulent deepfake and
26 not with the radio or television broadcasting station or website developer or owner disseminating the
27 deceptive or fraudulent deepfake.

28 8. This section shall not apply to an internet website or a regularly published newspaper,
29 magazine, or other periodical of general circulation, including an internet or electronic publication,
30 that routinely carries news and commentary of general interest and that publishes a deceptive and
31 fraudulent deepfake prohibited by this section if the publication clearly states that the audio or visual
32 media does not accurately represent the speech or conduct of the candidate.

33 9. This section does not apply to materially deceptive audio or visual media that constitutes
34 satire or parody."; and

35
36 Further amend said bill by amending the title, enacting clause, and intersectional references
37 accordingly.