

HCS HBs 2628 & 2603 -- ELECTRONIC COMMUNICATIONS

SPONSOR: Baker

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Innovation and Technology by a vote of 8 to 0. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 9 to 0.

The following is a summary of the House Committee Substitute for HB 2628.

This bill prohibits any person or entity from, within 90 days of an election, distributing a synthetic media message of any candidate or party for elective office who will appear on a state or local ballot.

This shall not apply if the synthetic media includes a disclaimer stating that it has been manipulated or generated by artificial intelligence. The nature of the disclaimer is specified in the bill.

This shall also not apply to a broadcaster if they acknowledge through content or a disclosure that there are questions about the authenticity of the media, if they acknowledge that a publication does not accurately represent the speech or conduct of the candidate, if it is paid to broadcast the deepfake, or to media that constitutes satire or parody.

A candidate who is harmed by a violation of this section may seek injunctive or other equitable relief prohibiting the publication of the deepfake. Penalties are specified in the bill.

The bill also adds business subscribers to the No-Call List and specifies that a person does not have to renew his or her objection to receiving solicitations.

The bill establishes the "Caller ID Anti-Spoofing Act" which creates the offense of caller identification spoofing. The first offense is a class C misdemeanor and any subsequent offenses are a class A misdemeanor. Exceptions to the offense are specified in the bill.

The recipient of any call in which the caller uses false caller ID information has standing to recover punitive damages against the caller in an amount up to \$5,000 per call. Call recipients may bring action under this section as a class. The Attorney General may initiate legal proceedings or intervene in legal proceedings on behalf of call recipients.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROponents: Supporters say that the tools to produce deep fakes are becoming more advanced, making it hard for voters to know the difference. Deep fakes are a threat to fair elections and have been used in other countries across the world to affect the outcome of the election.

Testifying in person for the bill were Representative Baker; Missouri Voter Protection Coalition; Vanessa Wellbery, Advocates Of Planned Parenthood of the St. Louis Region and Southwest Missouri; and Marilyn Mcleod, League Of Women Voters Of Missouri.

OPponents: Those who oppose the bill say that the restrictions in the bill are an attack on the First Amendment protections.

Testifying in person against the bill was ArmorVine.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.