

SENATE COMMITTEE AMENDMENTS

2023 Regular Session

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 175 by Senator Stine

1 AMENDMENT NO. 1

2 On page 1, line 2, delete "and 91.5.2"

3  
4 AMENDMENT NO. 2

5 On page 1, line 3, after "involving minors;" delete the remainder of the line

6 AMENDMENT NO. 3

7 On page 1, line 4, delete "crime of unlawful use of a digital image and likeness;"

8 AMENDMENT NO. 4

9 On page 1, line 7, delete "and 91.5.2 are" and insert "is"

10 AMENDMENT NO. 5

11 On page 1, delete lines 9 through 17 and insert the following:

12 **"A. Any person who, with knowledge that the material is a deepfake**  
13 **depicting a minor, knowingly creates or possesses material that depicts a minor**  
14 **engaging in sexual conduct shall be punished by imprisonment at hard labor for**  
15 **not less than five nor more than twenty years, or a fine of not more than ten**  
16 **thousand dollars, or both.**

17 **B. Any person who, with knowledge that the material is a deepfake**  
18 **depicting a minor, knowingly advertizes, distributes, exhibits, exchanges with,**  
19 **promotes, or sells any sexual material that depicts a minor engaging in sexually**  
20 **conduct shall be punished by imprisonment at hard labor for not less than ten**  
21 **nor more than fifty years, a fine of not more than fifty thousand dollars, or**  
22 **both.**

23 **C. For the purposes of this Section:**

24 **(1) "Deepfake" means any audio or visual media in an electronic format,**  
25 **including any motion picture film or video recording, that is created or altered**  
26 **in a manner that would falsely appear to a reasonable observer to be an**  
27 **authentic record of the actual speech or conduct of the individual depicted in**  
28 **the recording. "Deepfake" does not include any material that constitutes a work**  
29 **of political, public interest, or newsworthy value, including commentary,**  
30 **criticism, satire, or parody, or that includes content, context, or a clear**  
31 **disclosure visible throughout the duration of the recording that would cause a**  
32 **reasonable person to understand that the audio or visual media is not a record**  
33 **of a real event.**

34 **(2) "Distribute" means to publish or make available to another person**  
35 **but does not include any alteration of a recording, including altering the length**  
36 **of the recording, so long as such alteration does not knowingly remove any**  
37 **content, context, or clear disclosure visible throughout the duration of the**  
38 **recording that would cause a reasonable person to believe that the audio or**  
39 **visual media is not a record of a real event.**

40 **(3) "Minor" means a person under the age of eighteen years.**

41 **(4) "Sexual conduct" means any of the following, whether actual or**  
42 **simulated: sexual intercourse, oral copulation, anal intercourse, anal oral**  
43 **copulation, masturbation, bestiality, sexual sadism, sexual masochism,**  
44 **penetration of the vagina or rectum by any object in a lewd or lascivious**  
45 **manner, exhibition of the genitals or pubic or rectal area for the purpose of**

1 **sexual stimulation of the viewer, or excretory functions performed in a lewd or**  
2 **lascivious manner, whether or not any of the conduct is performed alone or**  
3 **between members of the same or opposite sex or between humans and animals.**  
4 **An act is simulated when it gives the appearance of being actual sexual**  
5 **conduct."**

6 AMENDMENT NO. 6

7 On page 2, delete lines 1 through 22