LEGISLATIVE FISCAL OFFICE
Fiscal Note

Louisiana Legislative Fiscal Office — Fiscal Notes

Date: May 26, 2023	10:55 AM	**Author:** STINE
Dept./Agy.: Corrections		
Subject: Deepfake Technology and Minors		**Analyst:** Daniel Druilhet

CRIME/PUNISHMENT   EG1 SEE FISC NOTE GF EX See Note

Criminalizes deepfakes involving minors and defines the rights to digital image and likeness. (8/1/23)

Proposed law creates the crime of unlawful deep fakes involving minors which prohibits anyone who, with knowledge that material is a deepfake depicting a minor, knowingly creates or possesses material depicting a minor engaging in sexual conduct. Proposed law assesses punishment for committing the crime of unlawful deep fakes involving minors as imprisonment at hard labor for no less than five years nor more than 20 years or a fine of no more than $10,000, or both.

Proposed law assesses punishment of imprisonment for no less than 10 years nor more than 50 years, a fine of no more than $50,000, or both, for any person who, with knowledge that the material is a deepfake depicting a minor, knowingly advertises, distributes, exhibits, exchanges with, promotes, or sells any sexual material that depicts a minor engaging in sexual conduct. Proposed law provides definitions for deepfake, distribute, minor, and sexual conduct.

EXPENDITURES	2023-24	2024-25	2025-26	2026-27	2027-28	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Agy. Self-Gen.	$0	$0	$0	$0	$0	$0
Ded./Other	$0	$0	$0	$0	$0	$0
Federal Funds	$0	$0	$0	$0	$0	$0
Local Funds	$0	$0	$0	$0	$0	$0
Annual Total						

REVENUES	2023-24	2024-25	2025-26	2026-27	2027-28	5 -YEAR TOTAL
State Gen. Fd.	$0	$0	$0	$0	$0	$0
Agy. Self-Gen.	$0	$0	$0	$0	$0	$0
Ded./Other	$0	$0	$0	$0	$0	$0
Federal Funds	$0	$0	$0	$0	$0	$0
Local Funds	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Annual Total						

EXPENDITURE EXPLANATION

Proposed law may result in an indeterminable increase in SGF expenditures in the Department of Public Safety and Corrections – Corrections Services (DPSC – CS) if a person who, with knowledge that material is a deepfake depicting a minor, knowingly creates, possesses, advertises, distributes, exhibits, exchanges with, promotes, or sells material depicting a minor engaging in sexual conduct. The exact fiscal impact of the passage of this legislation is indeterminable, since it creates a new crime, and it is not known how many people will be convicted or the length of the sentences assessed with those convictions as a result of its potential enactment.

SGF expenditures will increase by $101.76 per offender per day to the extent that an offender is convicted and then subsequently housed in a state facility or $26.39 per offender per day for a state offender housed in a local facility. An offender sentenced to the custody of the DPSC – CS for one year would increase expenditures by $37,142.40 ($101.76 per day x 365 days) if housed in a state facility and $9,632.35 ($26.39 per day x 365 days) if housed in a local facility.

REVENUE EXPLANATION

Proposed law may result in an indeterminable increase in local revenues as a result of potential fines for persons who, with knowledge that material is a deepfake depicting a minor, knowingly create, distribute, possess, promote, advertise, or sell any sexually explicit material depicting a minor engaging in sexual conduct. The exact fiscal impact of the passage of this legislation on local revenue is indeterminable because the fines that would be imposed on those convicted are optional, and the amount of the fines, if imposed, may vary.

Senate	Dual Referral Rules	House
☐ 13.5.1 >= $100,000 Annual Fiscal Cost {S & H}		☐ 6.8(F)(1) >= $100,000 SGF Fiscal Cost {H & S}
☐ 13.5.2 >= $500,000 Annual Tax or Fee Change {S & H}		☐ 6.8(G) >= $500,000 Tax or Fee Increase or a Net Fee Decrease {S}

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