

SENATE BILL NO. 175

BY SENATOR STINE AND REPRESENTATIVE KNOX

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To enact R.S. 14:73.13, relative to computer related crime; to create the crime of unlawful
3 deepfakes; to provide for definitions; to provide penalties; and to provide for related
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:73.13 is hereby enacted to read as follows:

7 **§73.13. Unlawful deepfakes**

8 **A. Any person who, with knowledge that the material is a deepfake**
9 **depicting a minor, knowingly creates or possesses material that depicts a minor**
10 **engaging in sexual conduct shall be punished by imprisonment at hard labor for**
11 **not less than five nor more than twenty years, or a fine of not more than ten**
12 **thousand dollars, or both. At least five years of the sentence of imprisonment**
13 **imposed shall be served without benefit of parole, probation or suspension of**
14 **sentence.**

15 **B.(1) Except as provided in Paragraph (2) of this Subsection, any person**
16 **who, with knowledge that the material is a deepfake that depicts another**
17 **person, without consent of the person depicted, engaging in sexual conduct,**
18 **knowingly advertises, distributes, exhibits, exchanges with, promotes, or sells**
19 **any sexual material shall be punished by imprisonment at hard labor for not**
20 **less than ten nor more than thirty years, a fine of not more than fifty thousand**
21 **dollars, or both.**

22 **(2) Any person who, with knowledge that the material is a deepfake**
23 **depicting a minor, knowingly advertises, distributes, exhibits, exchanges with,**
24 **promotes, or sells any sexual material that depicts a minor engaging in sexual**
25 **conduct shall be punished by imprisonment at hard labor for not less than ten**
26 **nor more than thirty years, a fine of not more than fifty thousand dollars, or**

1 **both. At least ten years of the sentence of imprisonment imposed shall be served**
2 **without benefit of probation, parole, or suspension of sentence.**

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

4 **(1) "Deepfake" means any audio or visual media in an electronic format,**
5 **including any motion picture film or video recording, that is created, altered,**
6 **or digitally manipulated in a manner that would falsely appear to a reasonable**
7 **observer to be an authentic record of the actual speech or conduct of the**
8 **individual or replace an individual's likeness with another individual and**
9 **depicted in the recording. "Deepfake" does not include any material that**
10 **constitutes a work of political, public interest, or newsworthy value, including**
11 **commentary, criticism, satire, or parody, or that includes content, context, or**
12 **a clear disclosure visible throughout the duration of the recording that would**
13 **cause a reasonable person to understand that the audio or visual media is not**
14 **a record of a real event.**

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

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

22 **(4) "Sexual conduct" means any of the following, whether actual or**
23 **simulated: sexual intercourse, oral copulation, anal intercourse, anal oral**
24 **copulation, masturbation, bestiality, sexual sadism, sexual masochism,**
25 **penetration of the vagina or rectum by any object in a lewd or lascivious**
26 **manner, exhibition of the genitals or pubic or rectal area for the purpose of**
27 **sexual stimulation of the viewer, or excretory functions performed in a lewd or**
28 **lascivious manner, whether or not any of the conduct is performed alone or**
29 **between members of the same or opposite sex or between humans and animals.**
30 **An act is simulated when it gives the appearance of being actual sexual conduct.**

1 Section 2. If any provision or item of this Act, or the application thereof, is held
2 invalid, such invalidity shall not affect other provisions, items, or applications of the Act
3 which can be given effect without the invalid provision, item, or application and to this end
4 the provisions of this Act are hereby declared severable.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____