

2024 Regular Session

SENATE BILL NO. 9

BY SENATOR CONNICK

LIABILITY. Provides for civil liability for distributing certain synthetic media. (8/1/24)

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AN ACT

To enact R.S. 9:2800.30, relative to synthetic media; to provide for civil liability for distributing certain synthetic media; to provide with respect to use of synthetic media; to provide for definitions; to provide for remedies; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:2800.30 is hereby enacted to read as follows:

§2800.30. Liability for distributors of synthetic media

A. As used in this Section "synthetic media" means any video or voice recording that has been fully or partially generated by algorithms and appears to be a record of actual events.

B. A person unlawfully engages in distribution of misleading synthetic media pursuant to this Section when he knowingly and intentionally distributes or makes publicly available synthetic media purported to be of or by a natural person:

(1) Without the consent of the natural person;

(2) Without constantly displaying an obvious notice within the synthetic

1 media identifying the media as synthetic media; and

2 (3) With the intent to mislead others about the acts of the natural person.

3 C. Any person who is the subject of or who is misled by synthetic media
4 may maintain a civil action to enjoin or restrain the distribution of the synthetic
5 media and may in the same action seek damages from the person who
6 distributed the synthetic media. A court may award any of the following
7 remedies to a plaintiff prevailing in an action brought pursuant to this Section:

8 (1) Equitable relief.

9 (2) Damages.

10 (3) Costs and fees, including reasonable attorney fees.

11 (4) Exemplary damages in an amount not less than one thousand dollars
12 per plaintiff.

13 D. The attorney general may enforce the provisions and investigate
14 violations of this Section.

15 E. The attorney general or district attorney may on behalf of the state
16 bring an action for temporary or permanent injunctive or other relief in a court
17 of competent jurisdiction for any violation of this Section. The court may, upon
18 entry of final judgment finding a violation of this Section, award restitution
19 when appropriate to any person suffering loss because of a violation of this
20 Section if proof of the loss is submitted to the satisfaction of the court.

21 F. This Section shall not prohibit actions under other statutory
22 provisions against conduct or practices similar to those declared to be unlawful
23 by Subsection B of this Section. However, the remedies provided in this Section
24 are the exclusive remedies for actions brought pursuant to this Section.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Hanna Gettys.

Proposed law provides that "synthetic media" means any video or voice recording that has
been fully or partially generated by algorithms and appears to be a record of actual events.

Proposed law provides that a person unlawfully engages in distribution of misleading synthetic media pursuant to proposed law when he knowingly and intentionally distributes or makes publicly available synthetic media purported to be of or by a natural person:

- (1) Without the consent of the natural person;
- (2) Without constantly displaying an obvious notice within the synthetic media identifying the media as synthetic media; and
- (3) With the intent to mislead others about the acts of the natural person.

Proposed law provides any person who is the subject of or who is misled by synthetic media may maintain a civil action to enjoin or restrain the distribution of the synthetic media and may in the same action seek damages from the person who distributed the synthetic media.

Proposed law provides that a court may award any of the following remedies to a plaintiff prevailing in an action brought pursuant to proposed law:

- (1) Equitable relief.
- (2) Damages.
- (3) Costs and fees, including reasonable attorney fees.
- (4) Exemplary damages in an amount not less than one thousand dollars per plaintiff.

Proposed law provides that the attorney general may enforce the provisions and investigate violations of proposed law.

Proposed law provides that the attorney general or district attorney may on behalf of the state bring an action for temporary or permanent injunctive or other relief in a court of competent jurisdiction for any violation of proposed law. The court may, upon entry of final judgment finding a violation of proposed law, award restitution when appropriate to any person suffering loss because of a violation of proposed law if proof of the loss is submitted to the satisfaction of the court.

Proposed law provides that proposed law shall not prohibit actions under other statutory provisions against conduct or practices similar to those declared to be unlawful by proposed law. However, the remedies provided in proposed law are the exclusive remedies for actions brought pursuant to proposed law.

Effective August 1, 2024.

(Adds R.S. 9:2800.30)