
SENATE COMMITTEE AMENDMENTS

2022 Regular Session

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 426
by Senator McMath

1 AMENDMENT NO. 1**2** On page 2, line 20, after "**reproduction of**" delete the remainder of the line and insert the
3 following:**4** "a professional performer's likeness or voice that is so realistic as to be
5 indistinguishable from the actual likeness or voice of the professional
6 performer. "Digital replica" does not include the making or duplication of
7 another recording that consists entirely of an independent fixation of other
8 sounds, even though the sounds imitate or simulate the voice of the professional
9 performer."**10** AMENDMENT NO. 2**11** On page 2, delete line 21**12** AMENDMENT NO. 3**13** On page 2, line 24, after "**work of art,**" insert "**or a dramatic, literary, or musical work,**
14 **if it is fictional or nonfictional entertainment, a"****15** AMENDMENT NO. 4**16** On page 2, line 25, after "**of these works**" change the comma "," to a period "." and delete
17 the remainder of the line**18** AMENDMENT NO. 5**19** On page 2, delete line 26**20** AMENDMENT NO. 6**21** On page 2, line 29, between "**means a**" and "**natural person**" insert "**living**" and after
22 "**natural person**" change "**, living or deceased**" to "**domiciled in Louisiana or a deceased**
23 **natural person who was domiciled in Louisiana at the time of the individual's death**"**24** AMENDMENT NO. 7**25** On page 3, line 12, after "**by a professional**" delete the remainder of the line and insert the
26 following:**27** "performer in a work in which the professional performer did not
28 actually appear.**29** (12) "Professional performer" means an individual who, for gain or
30 livelihood, is or was regularly engaged in acting, singing, dancing, playing a
31 musical instrument, or appearing on a news broadcast as an anchor or
32 reporter."**33** AMENDMENT NO. 8**34** On page 3, delete lines 13 and 14**35** AMENDMENT NO. 9**36** On page 3, line 25, change "**heirs, or legatees**" to "**heirs, legatees, assignees, or licensees**"

1 AMENDMENT NO. 10

2 On page 3, line 26, between "Any transfer or" and "license" insert "exclusive"

3 AMENDMENT NO. 11

4 On page 3, line 29, after "representatives holding" change "such rights. A lawful" to "the
5 rights specified in the transfer or license. An exclusive"

6 AMENDMENT NO. 12

7 On page 4, line 1, between "within the scope of" and "the license," insert ", and to the
8 extent permitted by"

9 AMENDMENT NO. 13

10 On page 4, at the end of line 21, delete "for commercial purposes"

11 AMENDMENT NO. 14

12 On page 4, line 22, after "It shall be" change "unlawful" to "a violation of this Subpart"

13 AMENDMENT NO. 15

14 On page 4, at the end of line 23, delete "previous"

15 AMENDMENT NO. 16

16 On page 4, at the beginning of line 24, delete "written"

17 AMENDMENT NO. 17

18 On page 4, after line 29, insert the following:

19 "C. It shall be a violation of this Subpart to use a digital replica in a
20 public performance of a scripted audiovisual work, or in a live performance of
21 a dramatic work, only if the use is intended to create, and that does create, the
22 clear impression that the professional performer is actually performing in the
23 role of a fictional character."

24 AMENDMENT NO. 18

25 On page 5, line 1, change "C." to "D."

26 AMENDMENT NO. 19

27 On page 5, line 13, change "D." to "E."

28 AMENDMENT NO. 20

29 On page 5, at the beginning of line 18, change "including" to "and to the extent not
30 duplicative of the plaintiff's compensatory damages, the disgorgement of"

31 AMENDMENT NO. 21

32 On page 5, line 19, between "of calculating" and "profits," insert "such"

33 AMENDMENT NO. 22

34 On page 5, line 22, change "(3) Reasonable" to "F. A court may award reasonable" and
35 after "expenses" change "relating to" to "to the prevailing party in"

1 AMENDMENT NO. 23

2 On page 5, at the beginning of line 24, change "E." to "G."

3 AMENDMENT NO. 24

4 On page 6, at the beginning of line 8, change "B. This Subpart does not apply to the use
5 of" to "B. It shall not constitute a violation of this Subpart to use"

6 AMENDMENT NO. 25

7 On page 6, line 10, after "affairs, sports" change "broadcast" to "transmission"

8 AMENDMENT NO. 26

9 On page 6, at the beginning of line 12, change "A work" to "In a work" and after "public
10 interest," insert "educational,"

11 AMENDMENT NO. 27

12 On page 6, at the beginning of line 13, delete "a" and after "or parody," change "and" to
13 "or similar works, such as documentaries, docudramas, or historical or biographical
14 works, or a representation of an individual as himself or herself,"

15 AMENDMENT NO. 28

16 On page 6, line 14, delete "in the work"

17 AMENDMENT NO. 29

18 On page 6, line 15, change "(3) A" to "(3) In a"

19 AMENDMENT NO. 30

20 On page 6, line 17, change "(4) A" to "(4) In a" and after "audiovisual work," insert
21 "motion picture,"

22 AMENDMENT NO. 31

23 On page 6, line 18, after "unless the" change "identity is used to create" to "use creates"

24 AMENDMENT NO. 32

25 On page 6, line 21, change "(6) An" to "(6) In an"

26 AMENDMENT NO. 33

27 On page 6, line 23, change "truthfully" to "accurately"

28 AMENDMENT NO. 34

29 On page 6, line 24, after "of a given" and before "performance," insert "work or"

30 AMENDMENT NO. 35

31 On page 6, delete lines 26 and 27

32 AMENDMENT NO. 36

33 On page 6, at the beginning of line 28, change "(9)" to "(8)"

1 AMENDMENT NO. 37

2 On page 7, at the beginning of line 2, change "(10)" to "(9)"

3 AMENDMENT NO. 38

4 On page 7, at the beginning of line 4, change "(11)" to "(10)"

5 AMENDMENT NO. 39

6 On page 7, at the beginning of line 5, change "(12)" to "(11)"

7 AMENDMENT NO. 40

8 On page 7, between lines 6 and 7, insert the following:

9 "(12) If the use is merely incidental."

10 AMENDMENT NO. 41

11 On page 7, at the beginning of line 8, change "Subparagraph" to "Subsection"

12 AMENDMENT NO. 42

13 On page 7, line 13, after "Communications Commission" insert the following:

14 ", cable or satellite television company, or other video service provider,
15 streaming video provider, newspaper company, periodical company, billboard
16 company, media platform, voice, data, or other communications, information
17 services, or internet access provider" and after "of any content" and before
18 "which" insert "created by a third party"

19 AMENDMENT NO. 43

20 On page 7, line 15, after "Subpart by" change "the radio or television broadcast station"
21 to "any such entity"

22 AMENDMENT NO. 44

23 On page 7, line 26, after "A." delete the remainder of the line and insert the following:

24 "The rights granted by this Subpart are cumulative and shall be in
25 addition to any others provided by law."

26 AMENDMENT NO. 45

27 On page 7, delete line 27