

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 175

2023 Regular Session

Stine

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

CRIME/PUNISHMENT. Criminalizes deepfakes and provides for penalties. (8/1/23)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Change penalty for offense when person depicted is an minor.
2. Provide for penalty when the offense depicts a person as an adult.
3. Clarify definition of "deepfake".
4. Make technical amendments.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

DIGEST

SB 175 Engrossed

2023 Regular Session

Stine

Proposed law creates the crime of "unlawful deepfakes", which is the creation or possession of any material that depicts a person engaging in sexual conduct using deepfake technology, and has a penalty of imprisonment at hard labor for not less than two and not more than 10 years, or a fine of \$500, or both.

Proposed law provides that when the conduct depicts a minor, the defendant will be penalized by imprisonment at hard labor for not less than five and not more than 20 years, and at least five years will be served without benefit of probation, parole or suspension of sentence, or a fine of not more than \$10,000, or both.

Proposed law further provides that "unlawful deepfakes" is the advertisement, distribution, exhibit, exchange, promotion, or sale of any sexually explicit material depicting a person using deepfake technology and has a penalty of imprisonment at hard labor for not less than 10 and not more than 30 years, a fine of \$50,000, or both. Proposed law further provides that when the conduct depicts a minor, the defendant must serve at least 10 years of the sentence imposed without benefit of probation, parole, or suspension of sentence.

Proposed law defines "deepfake", "distribute", "minor", and "sexual conduct".

Proposed law provides for severability in the event one or more provisions of proposed law are found to be unconstitutional.

Effective August 1, 2023.

(Adds R.S. 14:73.13)

Whitney Kauffeld
Staff Attorney