

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 175** SLS 23RS 373

Bill Text Version: **ENROLLED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: June 9, 2023	8:02 AM	Author: STINE
Dept./Agy.: Corrections		Analyst: Daniel Druilhet
Subject: Deepfake Technology and Minors		

CRIME/PUNISHMENT

EN SEE FISC NOTE GF EX See Note

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

Proposed law creates creates the crime of unlawful deepfakes, which prohibits anyone who, with knowledge that material is a deepfake (WKMD) depicting another person, knowingly creates or possesses (KCP) material that depicts a person engaging in sexual conduct; if convicted, assesses a sentence of imprisonment (SOI) at hard labor for not less than 2 or more than 10 years, or a fine of not more than \$500, or both. Proposed law creates the crime of unlawful deep fakes which prohibits anyone who, (WKMD) depicting a minor, KCP material depicting a minor engaging in sexual conduct; assesses a SOI at hard labor for no less than five years nor more than 20 years (with at least five to be served without probation, parole, or suspension of sentence), or a fine of no more than \$10,000, or both. Proposed law assesses a SOI at hard labor for no less than 10 nor more than 30 years, a fine of not more than \$50,000, or both, for any person who, with WKMD, knowingly advertises, distributes, exhibits, exchanges with, promotes, or sells (KADEEPS) any sexual material depicting a person engaging in sexual conduct; assesses a SOI of no less than 10 years nor more than 50 years (10 without probation, parole, or suspension of sentence), a fine of no more than \$50,000, or both, for any person who, WKMD depicting a minor, KADEEPS any sexual material that depicts a minor engaging in sexual conduct; 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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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 or any person engaging in sexual conduct. Proposed law has the effect of imposing a mandatory sentence of imprisonment of no less than 10 years, to the extent that its violation results in conviction of advertising, distributing, exhibiting, exchanging, or selling deepfakes involving minors. 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 or any person 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}

Evan Brasseaux

Evan Brasseaux
Interim Deputy Fiscal Officer