AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§73.13. Unlawful deepfakes

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

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

(2) Any person who, with knowledge that the material is a deepfake depicting a minor, knowingly advertises, distributes, exhibits, exchanges with, promotes, or sells any sexual material that depicts a minor engaging in sexual conduct shall be punished by imprisonment at hard labor for not more than ten nor more than thirty years, a fine of not more than fifty thousand dollars, or...
both. At least ten years of the sentence of imprisonment imposed shall be served without benefit of probation, parole, or suspension of sentence.

C. For the purposes of this Section:

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

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

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

(4) "Sexual conduct" means any of the following, whether actual or simulated: sexual intercourse, oral copulation, anal intercourse, anal oral copulation, masturbation, bestiality, sexual sadism, sexual masochism, penetration of the vagina or rectum by any object in a lewd or lascivious manner, exhibition of the genitals or pubic or rectal area for the purpose of sexual stimulation of the viewer, or excretory functions performed in a lewd or lascivious manner, whether or not any of the conduct is performed alone or between members of the same or opposite sex or between humans and animals. An act is simulated when it gives the appearance of being actual sexual conduct.
Section 2. If any provision or item of this Act, or the application thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications of the Act which can be given effect without the invalid provision, item, or application and to this end 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: ____________

Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.