

By: Representative Sanford

To: Apportionment and
Elections

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1689

1 AN ACT TO CREATE NEW SECTION 97-13-47, MISSISSIPPI CODE OF
2 1972, TO PROVIDE THAT A PERSON WHO DISSEMINATES A DEEP FAKE SHALL
3 BE GUILTY OF A CRIME IF THE PERSON KNOWS OR HAD REASON TO KNOW
4 THAT THE INFORMATION BEING DISSEMINATED IS A DEEP FAKE AND THE
5 DISSEMINATION OCCURS WITHIN NINETY DAYS OF AN ELECTION, WAS
6 DISSEMINATED WITHOUT THE CONSENT OF THE DEPICTED INDIVIDUAL, AND
7 WAS DISSEMINATED WITH THE INTENT TO INJURE A CANDIDATE, INFLUENCE
8 THE RESULT OF AN ELECTION OR DETER ANY PERSON FROM VOTING; TO
9 PROVIDE DEFINITIONS; TO PROVIDE THE SENTENCING FOR THE CRIME; TO
10 PROVIDE A CAUSE OF ACTION FOR INJUNCTIVE RELIEF IN CERTAIN
11 SITUATIONS; TO PROVIDE DEFENSES TO THE CRIME; AND FOR RELATED
12 PURPOSES.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

14 **SECTION 1.** The following shall be codified as Section
15 97-13-47, Mississippi Code of 1972:

16 97-13-47. (1) For purposes of this section, the following
17 words and phrases shall have the meanings as defined in this
18 section unless the context clearly indicates otherwise:

19 (a) "Candidate" means an individual who seeks
20 nomination or election to a federal, statewide, state district,
21 legislative, judicial, county, county district or municipal
22 office.



23 (b) "Deep fake" means any picture, video recording,
24 sound recording, electronic image or any digital representation of
25 speech or conduct that:

26 (i) A reasonable person would believe depicts the
27 speech and/or conduct of an individual who did not engage in the
28 speech and/or conduct as presented; and

29 (ii) The production was substantially dependent on
30 technical means, rather than the ability of another individual to
31 physically or verbally impersonate such an individual.

32 (c) "Depicted individual" means an individual in a deep
33 fake who appears to be engaging in speech or conduct.

34 (d) "Disseminates" means transmitting a deep fake to
35 another person through social media, electronic mail, video
36 sharing services or any other physical or electronic method.

37 (2) A person, corporation, committee or other entity that
38 disseminates a deep fake or enters into a contract or other
39 agreement to disseminate a deep fake shall be guilty of a crime
40 and may be sentenced as provided in subsection (3) if that person,
41 corporation, committee or other entity knows or had reason to know
42 that the information being disseminated is a deep fake and the
43 dissemination:

44 (a) Occurs within ninety (90) days of an election;

45 (b) Was disseminated without the consent of the
46 depicted individual; and



47 (c) Was disseminated with the intent to injure a
48 candidate, influence the result of an election, or deter any
49 person from voting.

50 (3) A person convicted under this section may be sentenced
51 as follows:

52 (a) If the person commits the violation with the intent
53 to cause violence, bodily harm or to deter any person from voting,
54 or has been previously convicted under this section within the
55 last five (5) years, the person may be sentenced to imprisonment
56 for no more than five (5) years, or to payment of a fine of not
57 more than Ten Thousand Dollars (\$10,000.00), or both;

58 (b) In all other cases, the person may be sentenced to
59 imprisonment for not more than one (1) year, or to payment of a
60 fine of not more than Five Thousand Dollars (\$5,000.00), or both.

61 (4) A cause of action for injunctive relief may be
62 maintained against any person who is reasonably believed to be
63 about to violate this section or who is in the process of
64 violating this section by the following:

65 (a) The Attorney General;

66 (b) A district attorney;

67 (c) The depicted individual;

68 (d) A candidate for nomination or election to a public
69 office who is injured or likely to be injured by dissemination; or

70 (e) A political party whose nominee on the ballot would
71 be injured or likely to be injured by the dissemination.



72 (5) (a) The provisions of subsection (2) shall not apply if
73 the audio or visual media includes a disclosure stating: "This
74 _____ has been manipulated or generated by artificial
75 intelligence."

76 (b) The blank in the disclosure required by paragraph
77 (a) shall be filled with whichever of the following terms most
78 accurately describes the media:

79 (i) Image.

80 (ii) Video.

81 (iii) Audio.

82 (c) For visual media, the text of the disclosure shall
83 appear in a size that is easily readable by the average viewer and
84 no smaller than the largest font size of other text appearing in
85 the visual media. If the visual media does not include any other
86 text, the disclosure shall appear in a size that is easily
87 readable by the average viewer. For visual media that is video,
88 the disclosure shall appear for the duration of the video.

89 (d) If the media consists of audio only, the disclosure
90 shall be read in a clearly spoken manner and in a pitch that can
91 be easily heard by the average listener, at the beginning of the
92 audio, at the end of the audio, and, if the audio is greater than
93 two (2) minutes in length, interspersed within the audio at
94 intervals of not greater than two (2) minutes each.

95 (6) (a) The provisions of this section shall not apply to a
96 radio or television broadcasting station, including a cable or



97 satellite television operator, programmer or producer, that
98 broadcasts a deepfake prohibited by this section as part of a bona
99 fide newscast, news interview, news documentary, or on-the-spot
100 coverage of bona fide news events, if the broadcast clearly
101 acknowledges through content or a disclosure, in a manner that can
102 be easily heard or read by the average listener or viewer, that
103 there are questions about the authenticity of the materially
104 deceptive audio or visual media.

105 (b) The provisions of this section shall not apply to a
106 radio or television broadcasting station, including a cable or
107 satellite television operator, programmer or producer, when it is
108 paid to broadcast a deepfake and has made a good faith effort to
109 establish that the depiction is not a deceptive and fraudulent
110 deepfake.

111 (c) The provisions of this section shall not apply to
112 an Internet website, or a regularly published newspaper, magazine
113 or other periodical of general circulation, including an Internet
114 or electronic publication, that routinely carries news and
115 commentary of general interest, and that publishes materially
116 deceptive audio or visual media prohibited by this section, if the
117 publication clearly states that the materially deceptive audio or
118 visual media does not accurately represent the speech or conduct
119 of the candidate.



120 (d) The provisions of this section shall not apply to
121 materially deceptive audio or visual media that constitutes satire
122 or parody.

123 **SECTION 2.** This act shall take effect and be in force from
124 and after July 1, 2024.

