

By: Representative Sanford

To: Apportionment and
Elections

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

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

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



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

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

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

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

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

64 (a) The Attorney General;

65 (b) A district attorney;

66 (c) The depicted individual;

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

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



71 (5) Clear and prominent language displayed throughout the
72 deep fake that informs the viewer of the deep fake that the
73 depicted individual did not engage in the depicted speech and/or
74 conduct shall be a defense to prosecution.

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

