

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.

