

By: Senator(s) England

To: Elections; Judiciary,
Division B

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2577

1 AN ACT TO CREATE A NEW SECTION IN TITLE 97, CHAPTER 13,
2 MISSISSIPPI CODE OF 1972, TO CREATE CRIMINAL PENALTIES FOR THE
3 WRONGFUL DISSEMINATION OF DIGITIZATIONS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** (1) For the purposes of this section:

6 (a) "Candidate" means an individual who seeks a
7 nomination or election to a federal, statewide, state district,
8 legislative, judicial, county, county district or municipal
9 office.

10 (b) "Digitization" means to alter an image or audio in
11 a realistic manner utilizing an image or audio of a person, other
12 than the person depicted, computer generated images or audio,
13 commonly called deepfakes. "Digitization" also includes the
14 creation of an image or audio through the use of software, machine
15 learning artificial intelligence or any other computer generated
16 or technological means. This includes any digital representation
17 of speech or conduct that:



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

21 (ii) The production of which was substantially
22 dependent on technical means, rather than the ability of another
23 individual to physically or verbally impersonate an individual.

24 (c) "Depicted individual" means an individual in a
25 digitization who appears to be engaging in speech and/or conduct.

26 (d) "Disseminates" means transmitting a digitization to
27 another person through social media, electronic mail, electronic
28 messaging, video sharing services or any other physical or
29 electronic method.

30 (2) A person who disseminates a digitization or enters into
31 a contract or other agreement to disseminate a digitization is
32 guilty of a crime and may be sentenced as provided in subsection
33 (3) of this section, if the person knows or reasonably should know
34 that the item being disseminated is a digitization and the
35 dissemination:

36 (a) Takes place within ninety (90) days of an election;

37 (b) Is disseminated without the consent of the depicted
38 individual; and

39 (c) Is disseminated with the intent to injure the
40 candidate, influence the results of an election or deter any
41 person from voting.



42 (3) A person convicted under this section may be sentenced
43 as follows:

44 (a) If the person commits the violation with the intent
45 to incite or cause violence, cause bodily harm or to deter any
46 person from voting, or has been previously convicted under this
47 section within the last five (5) years, he or she may be sentenced
48 to imprisonment for not more than five (5) years or to a payment
49 of a fine not more than Ten Thousand Dollars (\$10,000.00), or
50 both; or

51 (b) In other cases, to imprisonment for not more than
52 one (1) year or to a payment of a fine not more than Five Thousand
53 Dollars (\$5,000.00), or both.

54 (4) A cause of action for injunctive relief may be
55 maintained against any person who is reasonably believed to be
56 about to violate or who is in the process of violating this
57 section. A cause of action may be brought by:

58 (a) The Attorney General;

59 (b) A district attorney if the depicted individual is a
60 resident within their district, or if the impact of the
61 digitization could or has impacted their district;

62 (c) The depicted individual;

63 (d) A candidate for nomination or election to a public
64 office who is injured or likely to be injured by the dissemination
65 of the digitization; or



66 (e) A political party whose nominee is on the ballot,
67 and would be injured or is likely to be injured by the
68 dissemination of the digitization.

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

73 (6) This section does not apply to:

74 (a) A provider of an interactive computer service, as
75 defined in 47 U.S.C. Section 230(f), or an information service or
76 communications service, as defined in 47 U.S.C. Section 153.

77 (b) A radio or television broadcasting station,
78 including a cable or satellite television operator, programmer or
79 producer that broadcasts any digitization prohibited by subsection
80 (2) of this section as part of a bona fide newscast, news
81 interview, news documentary, or on-the-spot coverage or a bona
82 fide news event if the broadcast or publication clearly
83 acknowledged through content or a disclosure, in a manner that can
84 easily be heard and understood or read by the average listener or
85 viewer, that there are questions about the authenticity of the
86 election communication.

87 (c) A radio or television broadcasting station,
88 including a cable or satellite television operator, programmer,
89 producer, or internet website or online platform when the station



90 or online platform is paid to broadcast any digitization
91 prohibited by this section.

92 (d) An internet website or service provider, or a
93 regularly published newspaper, magazine, or other periodical of
94 general circulation, including an internet or electronic
95 publication, that routinely carries news and commentary of general
96 interest and that publishes any digitization prohibited by
97 subsection (2) of this section, if the publication clearly states
98 that the election communication including materially deceptive
99 media does not accurately represent a ballot issue or candidate.

100 (e) Content that constitutes satire or parody.

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

