

## House Amendments to Senate Bill No. 2577

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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 As part of the injunctive relief, the court may order that  
70 any disseminated digitization be removed from any social media,  
71 electronic mail, electronic messaging, video-sharing services, or

72 any other physical or electronic method the digitization was  
73 disseminated through.

74 (5) Clear and prominent language displayed throughout the  
75 digitization that informs the viewer that the depicted individual  
76 did not engage in the depicted speech and/or conduct shall be a  
77 defense to prosecution.

78 (6) This section does not apply to:

79 (a) A provider of an interactive computer service, as  
80 defined in 47 USC Section 230(f), or an information service or  
81 communications service, as defined in 47 USC Section 153.

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

92 (c) A radio or television broadcasting station,  
93 including a cable or satellite television operator, programmer,  
94 producer, or internet website or online platform when the station  
95 or online platform is paid to broadcast any digitization  
96 prohibited by this section.

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

105 (e) Content that constitutes satire or parody.

106 (f) A person who disseminates or receives a  
107 digitization to determine if it is a digitization for the purpose  
108 of detecting, preventing, responding to, or protecting against  
109 security incidents, identify theft, fraud, harassment, malicious  
110 or deceptive activities or any illegal activity, preserve the  
111 integrity or security of systems or investigate, report, or  
112 prosecute those reasonable for any such action.

113 **SECTION 2.** This act shall take effect and be in force from  
114 and after July 1, 2024, and shall stand repealed on June 30, 2024.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.

HR26\SB2577A.J

Andrew Ketchings  
Clerk of the House of Representatives