BILL ANALYSIS

Senate Research Center

S.B. 751
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As artificial intelligence rapidly advances, the ability to use machine learning has become available to the masses. Publicly available tools can now be used to study pictures and videos of someone and then generate a computer representation of that person saying and/or doing something that person never said. As this technology continues to advance, it will become increasingly difficult to trust anything in public discourse.

This technology likely cannot be constitutionally banned altogether, but it can be narrowly limited to avoid what may be its greatest potential threat: the electoral process. S.B. 751 makes it a crime to generate and publish a video using artificial intelligence in order to affect the outcome of an election.

As proposed, S.B. 751 amends current law relating to the creation of a criminal offense for fabricating a deceptive video with intent to influence the outcome of an election.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 255.004, Election Code, by adding Subsections (d) and (e), as follows:

> (d) Provides that a person commits an offense if the person, with intent to injure a candidate or influence the result of an election:
>
> > (1) creates a deep fake video; and
> >
> > (2) causes the deep fake video to be published or distributed within 30 days of an election.
>
> (e) Defines "deep fake video" as a video created with artificial intelligence that, with the intent to deceive, appears to depict a real person performing an action that did not occur in reality.

SECTION 2. Effective date: September 1, 2019.