

2023 Regular Session

SENATE BILL NO. 175

BY SENATOR STINE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME/PUNISHMENT. Criminalizes deepfakes involving minors and defines the rights to digital image and likeness. (8/1/23)

AN ACT

To enact R.S. 14:91.5.1 and 91.5.2, relative to offenses affecting the health and morals of minors; to create the crime of unlawful deepfakes involving minors; to create the crime of unlawful use of a digital image and likeness; to provide for definitions; to provide penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:91.5.1 and 91.5.2 are hereby enacted to read as follows:

**§91.5.1. Unlawful deep fakes involving minors**

**A. Any person who knowingly creates, distributes, or possesses any sexually explicit material depicting a minor using deepfake technology shall be punished by imprisonment at hard labor for not less than five nor more than twenty years, or a fine of not more than ten thousand dollars, or both.**

**B. Any person who knowingly promotes, advertises, or sells any sexually explicit material depicting a minor using deepfake technology shall be punished by imprisonment at hard labor for not less than ten nor more than fifty years, a fine of not more than fifty thousand dollars, or both.**

**C. For purposes of this Section:**

1           **(1) "Digital image and likeness" means any digital or electronic**  
2           **representation of an individual's face, voice, signature, or other identifiable**  
3           **characteristic, whether created through artificial intelligence or other**  
4           **technological means.**

5           **(2) "Deepfake technology" means any technology that uses artificial**  
6           **intelligence or machine learning algorithms to manipulate digital images and**  
7           **likeness in a manner that can be used to create a false or misleading**  
8           **representation of an individual.**

9           **(3) "Minor" means a person under the age of eighteen years.**

10           **§91.5.2. Unlawful use of a digital image and likeness**

11           **A. Every individual has a right to their digital image and likeness, which**  
12           **includes the exclusive right to control the use and dissemination of their digital**  
13           **image and likeness. No person shall use the digital image and likeness of another**  
14           **individual for any commercial or non-commercial purpose without obtaining**  
15           **the express written consent of the individual.**

16           **B. Any person who uses the digital image and likeness of another**  
17           **individual without their express written consent shall be punished by a fine of**  
18           **not more than five thousand dollars for each violation.**

19           **C. For purposes of this Section, "digital image and likeness" means any**  
20           **digital or electronic representation of an individual's face, voice, signature, or**  
21           **other identifiable characteristic, whether created through artificial intelligence**  
22           **or other technological means.**

23           Section 2. If any provision or item of this Act, or the application thereof, is held  
24           invalid, such invalidity shall not affect other provisions, items, or applications of the Act  
25           which can be given effect without the invalid provision, item, or application and to this end  
26           the provisions of this Act are hereby declared severable.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Whitney Kauffeld.

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## DIGEST

SB 175 Original

2023 Regular Session

Stine

Proposed law creates the crime of "unlawful deepfakes involving minors", which is the creation, distribution or possession of any sexually explicit material depicting a minor using deepfake technology, and will be penalized by imprisonment at hard labor for less than five and not more than 20 years, a fine of not more than \$10,000, or both.

Proposed law further provides that "unlawful deepfakes involving minors" is the promotion, advertisement or sale of any sexually explicit material depicting a minor using Deepfake technology and will be penalized by imprisonment at hard labor for not less than 10 and not more than 50 years, a fine of \$50,000, or both.

Proposed law creates the crime of "unlawful use of a digital image and likeness", which is the use of the digital image and likeness of another individual for any commercial or non-commercial purpose without obtaining the express written consent of the individual and is to be punished by a fine of not more than \$5,000 for each violation.

Proposed law defines "digital image and likeness", "deepfake technology", and "minor".

Proposed law provides for severability in the event one or more provisions of present law are found to be unconstitutional.

Effective August 1, 2023.

(Adds R.S. 14:91.5.1 and 91.5.2)