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

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## CONFERENCE COMMITTEE REPORT DIGEST

SB 175

2023 Regular Session

Stine

### Keyword and summary of the bill as proposed by the Conference Committee

CRIME/PUNISHMENT. Criminalizes certain deepfakes depicting sexual conduct (8/1/23)

#### Report rejects House amendments which would have:

1. Changed penalty for offense when person depicted is an minor.
2. Provided for penalty when the offense depicts a person as an adult.
3. Clarified definition of "deepfake".
4. Made technical changes.

#### Report amends the bill to:

1. Change penalty for offense when person depicted is an minor.
2. Provide for penalty when the offense depicts a person as an adult.
3. Clarify definition of "deepfake".
4. Provide for exception when the adult depicted gives consent.
5. Make technical changes.

#### Digest of the bill as proposed by the Conference Committee

Proposed law creates the crime of "unlawful deepfakes", which is the creation or possession of any material that depicts a minor engaging in sexual conduct using deepfake technology. Proposed law further provides has a penalty of imprisonment at hard labor for not less than five and not more than 20 years, of which at least five years will be served without benefit of probation, parole or suspension of sentence, a fine of not more than \$10,000, or both.

Proposed law further provides that "unlawful deepfakes" is the advertisement, distribution, exhibit, exchange, promotion, or sale of any sexually explicit material depicting a person without his consent using deepfake technology. Proposed law further provides a penalty of imprisonment at hard labor for not less than 10 and not more than 30 years, a fine of \$50,000, or both. Proposed law further provides that when the content depicts a minor, the defendant must serve at least 10 years of the sentence imposed without benefit of probation, parole, or suspension of sentence.

Proposed law defines "deepfake", "distribute", "minor", and "sexual conduct".

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

Effective August 1, 2023.

(Adds R.S. 14:73.13)