

## RÉSUMÉ DIGEST

ACT 457 (SB 175)

2023 Regular Session

Stine

New 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.

New law provides a penalty of imprisonment at hard labor for not less than five and not more than 20 years, five years of which must be served without benefit of probation, parole, or suspension of sentence, or a fine of not more than \$10,000, or both.

New law provides that "unlawful deepfakes" is also the advertisement, distribution, exhibit, exchange, promotion, or sale of any sexually explicit material depicting a person without his consent using deepfake technology. New law provides a penalty of imprisonment at hard labor for not less than 10 and not more than 30 years, or a fine of \$50,000, or both. New 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.

New law defines "deepfake" as any audio or visual media in an electronic format, including any motion picture film or video recording, that is created, altered, or digitally manipulated in a manner that would falsely appear to a reasonable observer to be an authentic record of the actual speech or conduct of the individual or replace an individual's likeness with another individual and depicted in the recording.

However, new law provides that "deepfake" does not include any material that constitutes a work of political, public interest, or newsworthy value, including commentary, criticism, satire, or parody, or that includes content, context, or a clear disclosure visible throughout the duration of the recording that would cause a reasonable person to understand that the audio or visual media is not a record of a real event.

Effective August 1, 2023.

(Adds R.S. 14:73.13)