

SENATE FLOOR AMENDMENTS

2024 Regular Session

Amendments proposed by Senator Connick to Engrossed Senate Bill No. 6 by Senator Connick

1 AMENDMENT NO. 1

2 On page 1, line 3, delete "misleading synthetic media" and insert "digital voice replicas or
3 depictions"

4 AMENDMENT NO. 2

5 On page 1, line 7, delete "**misleading synthetic media**" and insert "**digital voice replicas**
6 **or depictions**"

7 AMENDMENT NO. 3

8 On page 1, delete lines 8 through 17 and insert the following:

9 **"A. It shall be unlawful for any person or entity to knowingly and**
10 **intentionally do any of the following without the consent of the individual**
11 **holding the voice or likeness rights affected by the person's or entity's actions:**

12 **(1) Distribute, transmit, or otherwise make available to the public a**
13 **personalized cloning service.**

14 **(2) Publish, perform, distribute, transmit, or otherwise make available**
15 **to the public a digital voice replica or digital depiction with knowledge that the**
16 **digital voice replica or digital depiction was not authorized by the individual**
17 **holding the affected voice or likeness rights.**

18 **(3) Materially contribute to, direct, or otherwise facilitate any of the**
19 **conduct prohibited by Paragraph (1) or (2) of this Subsection with knowledge**
20 **that the individual holding the affected voice or likeness rights has not**
21 **consented to the conduct.**

22 **B. For purposes of this Section:**

23 **(1) "Digital depiction" means a replica, imitation, or approximation of**
24 **the likeness of an individual that is created or altered in whole or in part using**
25 **digital technology.**

26 **(2) "Digital technology" means a technology or device now known or**
27 **hereafter created such as computer software, artificial intelligence, machine**
28 **learning, quantum computing, or other similar technologies or devices.**

29 **(3) "Digital voice replica" means an audio rendering that is created or**
30 **altered in whole or in part using digital technology and is fixed in a sound**
31 **recording or audiovisual work which includes replications, imitations, or**
32 **approximations of an individual that the individual did not actually perform.**

33 **(4) "Individual" means a human being, living or dead.**

34 **(5) "Likeness" means the actual or simulated image or likeness of an**
35 **individual, regardless of the means of creation, that is readily identifiable as the**
36 **individual by virtue of the individual's face, likeness, or other distinguishing**
37 **characteristic, or from other information displayed in connection with the**
38 **likeness.**

39 **(6) "Personalized cloning service" means an algorithm, software, tool,**
40 **or other technology, service, or device the primary purpose or function of**
41 **which is to produce one or more digital voice replicas or digital depictions of**
42 **particular, identified individuals.**

43 **(7) "Voice" means sounds in any medium containing the actual voice or**
44 **a simulation of the voice of an individual, whether recorded or generated by**
45 **computer, artificial intelligence, algorithm, or other digital technology, service,**
46 **or device, to the extent that the individual depicted or simulated is readily**
47 **identifiable from the sound of the voice or simulation of the voice, or from other**
48 **information displayed in connection therewith.**

1 **(8)(a) "Voice or likeness rights" means property rights held by an**
 2 **individual in his own likeness and voice and that constitute intellectual property**
 3 **rights that are freely transferable and heritable, in whole or in part, and do not**
 4 **expire upon the death of the individual, whether or not these rights were**
 5 **commercially exploited by the individual during the individual's lifetime.**

6 **(b) Voice or likeness rights are exclusive to the individual, subject to the**
 7 **transfer of these rights as provided for by law, during the individual's lifetime**
 8 **and to the executors, heirs, or transferees, or devisees for a period of ten years**
 9 **after the death of the individual.**

10 **(c) Voice or likeness rights are terminated by either of the following:**

11 **(i) Proof of the non-use of the likeness or voice of any individual for**
 12 **commercial purposes by an executor, transferee, heir, or devisee for a period**
 13 **of two years subsequent to the ten-year period following the individual's death.**

14 **(ii) The death of all executors, transferees, heirs, or devisees.**

15 **(d) An agreement authorizing the use of a digital depiction or digital**
 16 **voice replica for a new performance of the individual in an advertisement or**
 17 **expressive work shall be valid only if either:**

18 **(i) The individual was represented by counsel in the transaction and the**
 19 **agreement was in writing, and the individual was eighteen years of age or older**
 20 **at the time of entry into the agreement or, if the individual was under the age**
 21 **of eighteen years at the time the agreement was entered, the agreement is**
 22 **approved by a court in accordance with law.**

23 **(ii) The terms of the agreement are governed by a collective bargaining**
 24 **agreement."**

25 AMENDMENT NO. 4

26 On page 2, delete lines 1 through 6

27 AMENDMENT NO. 5

28 On page 2, at the beginning of line 7, change "**D.**" to "**C.**"

29 AMENDMENT NO. 6

30 On page 2, after line 9, insert the following:

31 **"D. The provisions of this Section shall not apply to a television or radio**
 32 **broadcast station licensed by the Federal Communications Commission that**
 33 **carries, transmits, distributes, or displays digital voice replicas or depictions**
 34 **created by a third party without knowledge that the digital voice replicas or**
 35 **depictions were created by the third party in violation of Subsection A of this**
 36 **Section.**

37 **E.(1) First Amendment protections shall constitute a defense to an**
 38 **alleged violation of this Section, and in evaluating a defense pursuant to this**
 39 **Subsection, the public interest in access to the use shall be balanced against the**
 40 **intellectual property interest in the voice or likeness, considering the following**
 41 **factors:**

42 **(a) Whether or not the use is commercial.**

43 **(b) Whether the individual whose voice or likeness is at issue is necessary**
 44 **for and relevant to the primary expressive purpose of the work in which the use**
 45 **appears.**

46 **(c) Whether or not the use competes with or otherwise adversely affects**
 47 **the value of the work of the owner or licensee of the voice or likeness rights at**
 48 **issue.**

49 **(2) Nothing in this Subsection shall alter the application by a court of**
 50 **First Amendment protections in the event the defense set forth by this**
 51 **Subsection is asserted."**