2026 Regular Session

HOUSE BILL NO. 38

BY REPRESENTATIVE BAYHAM

CRIME/SEX OFFENSES: Provides relative to the definition of child sexual abuse materials

1   AN ACT

2   To amend and reenact R.S. 14:81.1(B)(3) and to enact R.S. 14:81.1(B)(12), relative to child

3   sexual abuse materials; to provide for content that constitutes child sexual abuse

4   materials; to provide for definitions; and to provide for related matters.

5   Be it enacted by the Legislature of Louisiana:

6   Section 1. R.S. 14:81.1(B)(3) is hereby amended and reenacted and R.S.

7   14:81.1(B)(12) is hereby enacted to read as follows:

8   §81.1. Child sexual abuse materials

9   *   *   *

10   B. For purposes of this Section, the following definitions shall apply:

11   *   *   *

12   (3)   "Child sexual abuse materials" is any photograph, videotape, film,

13   deepfake, or other reproduction, whether electronic or otherwise, of any sexual

14   performance involving a child under the age of seventeen.

15   *   *   *

16   (12) "Deepfake" means any audio or visual media in an electronic format,

17   including any motion picture film or video recording, that is created, altered, or

18   digitally manipulated in a manner that would falsely appear to a reasonable observer

19   to be an authentic record of the actual speech or conduct of the individual or replace

20   an individual's likeness with another individual depicted in the recording.

CODING: Words in s̶t̶r̶u̶c̶k̶ ̶t̶h̶r̶o̶u̶g̶h̶ type are deletions from existing law; words underscored
are additions.

1   "Deepfake" does not include any material that constitutes a work of political, public

2   interest, or newsworthy value, including commentary, criticism, satire, or parody, or

3   that includes content, context, or a clear disclosure visible throughout the duration

4   of the recording that would cause a reasonable person to understand that the audio

5   or visual media is not a record of a real event.

6   *   *   *

7   Section 2. The Louisiana State Law Institute is hereby authorized and directed to

8 renumber the Paragraphs of R.S. 14:81.1(B) so as to properly place R.S. 14:81.1(B)(12) as

9 enacted by this Act.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 38 Original   2026 Regular Session   Bayham

Abstract: Adds a deepfake as content that constitutes child sex abuse materials if it depicts any sexual performance involving a child under the age of 17.

<u>Present law</u> provides for the crime of child sex abuse materials and provides for penalties.

<u>Proposed law</u> retains <u>present law</u>.

<u>Present law</u> defines the term "child sex abuse materials" as any photograph, videotape, film, or other reproduction, whether electronic or otherwise, of any sexual performance involving a child under the age of 17.

<u>Proposed law</u> retains <u>present law</u> and adds a deepfake as content that constitutes child sex abuse materials if it depicts any sexual performance involving a child under the age of 17.

<u>Proposed law</u> further defines the term "deepfake".

<u>Proposed law</u> authorizes and directs the La. State Law Institute to renumber the provisions of present law (R.S. 15:1352(A)) so as to properly place <u>proposed law</u> (R.S. 14:81.1(B)(12)).

(Amends R.S. 14:81.1(B)(3); Adds R.S. 14:81.1(B)(12))