

SENATE BILL NO. 1012

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR NICOLA.

5687S.011

KRISTINA MARTIN, Secretary

AN ACT

To amend chapters 130 and 573, RSMo, by adding thereto two new sections relating to the use of artificially generated content, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapters 130 and 573, RSMo, are amended by
2 adding thereto two new sections, to be known as sections 130.165
3 and 573.120, to read as follows:

130.165. 1. For purposes of this section, the
2 following terms mean:

3 (1) "Generative artificial intelligence" or
4 "generative AI", a machine-based system that can, for a
5 given set of human-defined objectives, emulate the structure
6 and characteristics of input data in order to generate
7 derived synthetic content including images, videos, audio,
8 text, and other multi-media digital content;

9 (2) "Metadata", structural or descriptive information
10 about data such as content, format, source, rights,
11 accuracy, provenance, periodicity, granularity, publisher or
12 responsible party, contact information, method of
13 collection, and other relevant descriptions of the data.

14 2. (1) A political advertisement, electioneering
15 communication, or other miscellaneous advertisement of a
16 political nature shall, in addition to any other disclaimer
17 required by this chapter, contain the disclaimer described

18 in subdivision (2) of this subsection if it contains images,
19 video, audio, graphics, or other digital content created, in
20 whole or in part, with the use of generative artificial
21 intelligence and:

22 (a) Appears to depict a real person performing an
23 action that did not actually occur;

24 (b) Manipulates the voice or actions of a candidate to
25 show the candidate, audibly or visually, doing or saying
26 something that the candidate did not do or say; or

27 (c) Was created with intent to injure a candidate or
28 to deceive voters regarding an election or ballot issue.

29 (2) The disclaimer required by subdivision (1) of this
30 subsection shall be in substantially the following form:

31 Created in whole or in part with the use of
32 generative artificial intelligence (AI). This
33 (image/audio/video/multimedia) has been edited
34 and depicts speech or conduct that falsely
35 appears to be authentic or truthful.

36 (3) The disclaimer required by subdivision (1) of this
37 subsection shall meet the following specifications:

38 (a) For a printed communication, the disclaimer shall
39 be stated in bold font with a font size of at least twelve
40 points;

41 (b) For a television or video communication, the
42 disclaimer shall be clearly readable throughout the
43 communication and occupy at least four percent of the
44 vertical picture height;

45 (c) For an internet public communication that includes
46 text or graphic components, the disclaimer shall be viewable
47 without the user taking any action and be large enough to be
48 clearly readable;

49 (d) For any audio component of a communication, the
50 disclaimer shall be at least three seconds in length and
51 spoken in a clearly audible and intelligible manner at
52 either the beginning or the end of the audio component of
53 the communication;

54 (e) For a graphic communication, the disclaimer shall
55 be large enough to be clearly readable but no less than four
56 percent of the vertical height of the communication.

57 3. The metadata of the communication shall include the
58 disclosure statement, the identity of the tool used to
59 create the communication, and the date and time the
60 communication was created.

61 4. The disclosure statement, including the disclosure
62 statement in any metadata, shall, to the extent technically
63 feasible, be permanent or unable to be easily removed by a
64 subsequent user.

65 5. In addition to any civil penalties provided by this
66 chapter, a person identified pursuant to a disclaimer
67 required by law as paying for, sponsoring, or approving a
68 political advertisement, an electioneering communication, or
69 other miscellaneous advertisement of a political nature that
70 is required to contain the disclaimer prescribed in this
71 section and who fails to include the required disclaimer is
72 guilty of a class A misdemeanor.

 573.120. 1. For purposes of this section, the
2 following terms mean:

3 (1) "Deepfake", an artificially generated or
4 manipulated media created using deep learning models to
5 produce highly realistic but synthetic representations of
6 people, objects, or events;

7 (2) "Intimate deepfake", a deepfake that depicts:

8 (a) The uncovered genitals, pubic area, anus, or
9 postpubescent female nipple of the individual;

10 (b) The display or transfer of bodily sexual fluids:

11 a. Onto any part of the body of the individual; or

12 b. From the body of the individual; or

13 (c) The individual engaging in sexually explicit
14 conduct;

15 (3) "Sexually explicit conduct", actual or simulated:

16 (a) Sexual intercourse, including genital-genital,
17 oral-genital, anal-genital, or oral-anal, whether between
18 persons of the same or opposite sex;

19 (b) Bestiality;

20 (c) Masturbation;

21 (d) Sadistic or masochistic abuse; or

22 (e) Lascivious exhibition of the genitals or pubic
23 area of any individual.

24 2. A person commits the offense of producing a
25 deepfake if the person discloses, or threatens to disclose:

26 (1) A deepfake of a depicted individual; or

27 (2) An intimate deepfake of a depicted individual.

28 3. (1) A violation of subdivision (1) of subsection 2
29 of this section is a class E felony.

30 (2) A violation of subdivision (2) of subsection 2 of
31 this section is a class B felony.

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