

SENATE BILL NO. 1183

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

4705S.011

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 115, RSMo, by adding thereto one new section relating to synthetic media, with penalty provisions.

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

Section A. Chapter 115, RSMo, is amended by adding thereto
2 one new section, to be known as section 115.645, to read as
3 follows:

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

3 (1) "Creator", any person that utilizes or deploys
4 artificial intelligence or other digital technology to
5 generate synthetic media, but does not include a provider or
6 a developer of any technology used in the creation of
7 synthetic media;

8 (2) "Deceptive and fraudulent deepfake", synthetic
9 media that provides false information to voters about where,
10 when, or how they can lawfully vote or depicts a candidate
11 or political party with the intent to injure the reputation
12 of the candidate or party and otherwise deceive a voter that:

13 (a) Appears to a reasonable person to depict a real
14 individual saying or doing something that did not actually
15 occur; or

16 (b) Provides a reasonable person a fundamentally
17 different understanding or impression of the appearance,

18 action, or speech of a candidate or party than such person
19 would have from an unaltered, original version of the image,
20 audio recording, or video recording;

21 (3) "Synthetic media", an image, audio recording, or
22 video recording of an individual's appearance, speech, or
23 conduct that has been created or intentionally manipulated
24 with the use of generative adversarial network techniques or
25 other digital artificial intelligence technology in a manner
26 to create a realistic but false image, audio, or video.

27 2. Except as provided in subsection 3 of this section,
28 a creator shall not, within eighteen weeks of an election,
29 distribute a synthetic media message that the creator knows
30 or should have known is a deceptive and fraudulent deepfake.

31 3. (1) The provisions of subsection 2 of this section
32 shall not apply if the creator of the audio or visual media
33 includes a disclosure stating: "This _____ has been
34 manipulated or generated by artificial intelligence.".

35 (2) The blank shall be filled in with whichever of the
36 following terms most accurately describes the media: image,
37 video, or audio.

38 (3) For visual media, the text of the disclosure shall
39 appear in a size no smaller than the largest font size of
40 other text appearing in the visual media. If the visual
41 media does not include any other text, the disclosure shall
42 appear in a size that is easily readable by the average
43 viewer. For visual media in video format, the disclosure
44 shall appear for the duration of the video.

45 (4) If the media consists of audio only, and no visual
46 disclosure is feasible, the disclosure shall be read in a
47 clearly spoken manner and in a pitch that can be easily
48 heard by the average listener at the beginning of the audio,
49 at the end of the audio, and, if the audio is greater than

50 two minutes in length, interspersed within the audio at
51 intervals not to exceed two minutes in length.

52 4. A candidate whose appearance, action, or speech is
53 depicted through the use of a deceptive and fraudulent
54 deepfake in violation of subsection 2 of this section may
55 seek injunctive or other equitable relief from the creator
56 prohibiting the publication of such deceptive and fraudulent
57 deepfake.

58 5. A person who violates the provisions of subsection
59 2 of this section may be subject to the following penalties:

60 (1) A class B misdemeanor;

61 (2) A class A misdemeanor if the person commits the
62 violation with the intent to cause violence or bodily harm;

63 (3) A class E felony if the person commits the
64 violation within five years of one or more prior convictions
65 under this section; or

66 (4) A civil penalty no less than one thousand dollars
67 per the first violation and not to exceed five million
68 dollars for any subsequent violation.

69 6. Any individual who has been harmed by violations of
70 the provisions of this section may bring a private civil
71 action in the court of competent jurisdiction.

72 7. This section shall not apply to a radio or
73 television broadcasting station, including a cable or
74 satellite television operator, programmer, or producer, that
75 broadcasts a deceptive and fraudulent deepfake prohibited by
76 this section as part of a bona fide newscast, news
77 interview, news documentary, or on-the-spot coverage of bona
78 fide news events, if the broadcast clearly acknowledges
79 through content or a disclosure, in a manner that can be
80 easily heard or read by the average listener or viewer, that

81 there are questions about the authenticity of the materially
82 deceptive audio or visual media.

83 8. This section shall not apply to a radio or
84 television broadcasting station, including a cable or
85 satellite television operator, programmer, or producer, or
86 website developer or owner, when it is paid to broadcast a
87 deceptive and fraudulent deepfake. The responsibility and
88 liability shall rest solely with the advertiser or entity
89 that paid to broadcast the deceptive and fraudulent deepfake
90 and not with the radio or television broadcasting station or
91 website developer or owner disseminating the deceptive or
92 fraudulent deepfake.

93 9. This section shall not apply to an internet website
94 or a regularly published newspaper, magazine, or other
95 periodical of general circulation, including an internet or
96 electronic publication, that routinely carries news and
97 commentary of general interest and that publishes a
98 deceptive and fraudulent deepfake prohibited by this section
99 if the publication clearly states that the audio or visual
100 media does not accurately represent the speech or conduct of
101 the candidate.

102 10. This section shall not apply to an interactive
103 computer service, as defined in 47 U.S.C. Section 230, for
104 content provided by another party.

105 11. This section shall not apply to materially
106 deceptive audio or visual media that constitutes satire or
107 parody.

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