

SECOND REGULAR SESSION

HOUSE BILL NO. 2628

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BAKER.

5403H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 115, RSMo, by adding thereto one new section relating to certain political advertisements, 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 one new section, to be
2 known as section 115.645, to read as follows:

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

2 **(1) "Deceptive and fraudulent deepfake", synthetic media that depicts a**
3 **candidate or political party with the intent to injure the reputation of the candidate or**
4 **party or otherwise deceive a voter that:**

5 **(a) Appears to a reasonable person to depict a real individual saying or doing**
6 **something that did not actually occur; or**

7 **(b) Provides a reasonable person a fundamentally different understanding or**
8 **impression of the appearance, action, or speech of a candidate or party than such person**
9 **would have from an unaltered, original version of the image, audio recording, or video**
10 **recording;**

11 **(2) "Synthetic media", an image, audio recording, or video recording of an**
12 **individual's appearance, speech, or conduct that has been created or intentionally**
13 **manipulated with the use of generative adversarial network techniques or other digital**
14 **technology in a manner to create a realistic but false image, audio, or video.**

15 **2. Except as provided in subsection 3 of this section, a person, corporation,**
16 **committee, or other entity shall not, within ninety days of an election at which a**
17 **candidate for elective office will appear on the ballot, distribute a synthetic media**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 message that the person, corporation, committee, or other entity knows or should have
19 known is a deceptive and fraudulent deepfake of a candidate or party on the state or
20 local ballot.

21 3. (1) The provisions of subsection 2 of this section shall not apply if the audio or
22 visual media includes a disclosure stating: "This _____ has been manipulated or
23 generated by artificial intelligence."

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

26 (3) For visual media, the text of the disclosure shall appear in a size no smaller
27 than the largest font size of other text appearing in the visual media. If the visual media
28 does not include any other text, the disclosure shall appear in a size that is easily
29 readable by the average viewer. For visual media in video format, the disclosure shall
30 appear for the duration of the video.

31 (4) If the media consists of audio only, the disclosure shall be read in a clearly
32 spoken manner and in a pitch that can be easily heard by the average listener at the
33 beginning of the audio, at the end of the audio, and, if the audio is greater than two
34 minutes in length, interspersed within the audio at intervals not to exceed two minutes
35 in length.

36 4. A candidate whose appearance, action, or speech is depicted through the use
37 of a deceptive and fraudulent deepfake in violation of subsection 2 of this section may
38 seek injunctive or other equitable relief prohibiting the publication of such deceptive
39 and fraudulent deepfake.

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

42 (1) A class B misdemeanor;

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

45 (3) A class E felony if the person commits the violation within five years of one or
46 more prior convictions under this section.

47 6. This section shall not apply to a radio or television broadcasting station,
48 including a cable or satellite television operator, programmer, or producer, that
49 broadcasts a deceptive and fraudulent deepfake prohibited by this section as part of a
50 bona fide newscast, news interview, news documentary, or on-the-spot coverage of bona
51 fide news events, if the broadcast clearly acknowledges through content or a disclosure,
52 in a manner that can be easily heard or read by the average listener or viewer, that there
53 are questions about the authenticity of the materially deceptive audio or visual media.

54 7. This section shall not apply to a radio or television broadcasting station,
55 including a cable or satellite television operator, programmer, or producer, when it is
56 paid to broadcast a deceptive and fraudulent deepfake and has made a good faith effort
57 to establish the depiction is not a deceptive and fraudulent deepfake.

58 8. This section shall not apply to an internet website or a regularly published
59 newspaper, magazine, or other periodical of general circulation, including an internet or
60 electronic publication, that routinely carries news and commentary of general interest
61 and that publishes a deceptive and fraudulent deepfake prohibited by this section if the
62 publication clearly states that the audio or visual media does not accurately represent
63 the speech or conduct of the candidate.

64 9. This section does not apply to materially deceptive audio or visual media that
65 constitutes satire or parody.

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