

PROPOSED AMENDMENT

HB 1133 # 9

DIGEST

Fabricated media. Defines "fabricated media" as any of the following that is created through a generative adversarial network or other generative artificial intelligence technology: (1) An altered facsimile of an audio or visual recording depicting an individual's speech, appearance, or conduct, the alteration of which: (A) is made without the individual's consent; (B) results in a materially inaccurate depiction of the individual's speech, appearance, or conduct; and (C) is such that a reasonable person would be unable to recognize that the recording has been altered. (2) An artificially generated audio or visual imitation of an individual that: (A) is created without the individual's consent; (B) is sufficiently lifelike that a reasonable person would be unable to distinguish the speech or appearance of the imitation from the speech or appearance of the individual; and (C) conveys a fictional depiction of the individual's speech, appearance, or conduct. (3) A depiction of the speech, appearance, or conduct of an artificially generated person, the appearance or speech of which is not a recognizable imitation of an identifiable individual. Prohibits a person from disseminating fabricated media, or entering into a contract or other agreement under which fabricated media is disseminated, if: (1) the person knows, or reasonably should know, that the media is fabricated media; (2) the fabricated media depicts an individual and the fabricated media is disseminated without the consent of the individual depicted in the fabricated media; (3) the fabricated media is disseminated less than 90 days before an election; (4) the purpose of the dissemination is injuring a candidate in an election or influencing the outcome of an election; and (5) the fabricated media does not include a disclaimer that meets specified requirements. Provides that a person who knowingly and intentionally violates the prohibition commits: (1) a Class B misdemeanor; or (2) a Class A misdemeanor or a Level 5 felony under specified circumstances. Allows specified individuals to bring a civil action for injunctive relief against a person that violates the prohibition.

1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
2 "SECTION 1. IC 3-14-1-18 IS ADDED TO THE INDIANA CODE
3 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: **Sec. 18. (a) The following definitions apply**
5 **throughout this section:**
6 **(1) "Fabricated media" means any of the following that is**
7 **created using, or the creation of which is substantially**
8 **dependent on the use of, a generative adversarial network or**
9 **other generative artificial intelligence technology:**
10 **(A) An altered facsimile of an audio or visual recording**
11 **depicting an individual's speech, appearance, or conduct,**
12 **the alteration of which:**
13 **(i) is made without the individual's consent;**

- 1 (ii) results in a materially inaccurate depiction of the
 2 individual's speech, appearance, or conduct as recorded
 3 in the unaltered recording; and
 4 (iii) is such that a reasonable person would be unable to
 5 recognize that the recording has been altered.
- 6 (B) An artificially generated audio or visual imitation of an
 7 individual that:
 8 (i) is created without the individual's consent;
 9 (ii) is sufficiently lifelike that a reasonable person would
 10 be unable to distinguish the speech or appearance of the
 11 imitation from the speech or appearance of the
 12 individual; and
 13 (iii) conveys a fictional depiction of the individual's
 14 speech, appearance, or conduct.
- 15 (C) A depiction of the speech, appearance, or conduct of an
 16 artificially generated person, the appearance or speech of
 17 which is not a recognizable imitation of an identifiable
 18 individual.
- 19 (2) "Media" means:
 20 (A) recorded audio;
 21 (B) a recorded image; or
 22 (C) recorded video.
- 23 (b) A person may not disseminate fabricated media, or enter
 24 into a contract or other agreement under which fabricated media
 25 is disseminated, if:
 26 (1) the person knows, or reasonably should know, that the
 27 media is fabricated media;
 28 (2) the fabricated media is described in subsection (a)(1)(A) or
 29 (a)(1)(B) and the individual depicted in the fabricated media
 30 has not consented to dissemination of the fabricated media;
 31 (3) the fabricated media is disseminated less than ninety (90)
 32 days before an election;
 33 (4) the person disseminates the fabricated media, or enters
 34 into a contract or other agreement under which the fabricated
 35 media is disseminated, for the purpose of:
 36 (A) injuring a candidate in an election; or
 37 (B) influencing the outcome of an election; and
 38 (5) the fabricated media does not include a disclaimer that
 39 meets the following requirements:
 40 (A) The disclaimer must state: "Elements of this media

- 1 **have been digitally altered or artificially generated."**
- 2 **(B) If the media is printed, the disclaimer must be printed**
- 3 **in a clear and conspicuous manner that complies with**
- 4 **IC 3-9-3-2.5(e).**
- 5 **(C) If the media is in the form of recorded audio, the**
- 6 **disclaimer must be read:**
- 7 **(i) in each language used in the media;**
- 8 **(ii) at a speed and pitch at which the disclaimer is**
- 9 **reasonably understandable; and**
- 10 **(iii) at a volume that is not lower than the loudest audio**
- 11 **included in the media;**
- 12 **at the beginning of the media, at the end of the media, and,**
- 13 **if the media is more than two (2) minutes in length, at**
- 14 **intervals of two (2) minutes for the duration of the media.**
- 15 **(D) If the media is in the form of recorded video, the text**
- 16 **of the disclaimer must be:**
- 17 **(i) formatted such that the disclaimer, as displayed in**
- 18 **each frame of the video, would comply with**
- 19 **IC 3-9-3-2.5(e) if the frame were printed;**
- 20 **(ii) positioned horizontally and vertically within the**
- 21 **video image such that the disclaimer is clear and**
- 22 **conspicuous; and**
- 23 **(iii) displayed continuously for the duration of the media.**
- 24 **(c) Except as provided under subsection (d), a person who**
- 25 **knowingly and intentionally violates subsection (b) commits a Class**
- 26 **B misdemeanor.**
- 27 **(d) The offense under subsection (c):**
- 28 **(1) is a Class A misdemeanor if the person commits the**
- 29 **offense with intent to cause violence or bodily harm; and**
- 30 **(2) is a Level 5 felony if the person has a prior unrelated**
- 31 **conviction for a violation of subsection (b) within the previous**
- 32 **five (5) years.**
- 33 **(e) Any of the following may bring a civil action for injunctive**
- 34 **relief against a person that violates subsection (b):**
- 35 **(1) The attorney general.**
- 36 **(2) A prosecuting attorney or city attorney.**
- 37 **(3) The individual depicted in the fabricated media.**
- 38 **(4) A candidate who:**
- 39 **(A) is injured; or**
- 40 **(B) is reasonably likely to be injured;**

1 **by dissemination of the fabricated media.**
2 **A court shall expedite the hearing of an action brought under this**
3 **subsection.**

4 SECTION 2. IC 35-52-3-12.1 IS ADDED TO THE INDIANA
5 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
6 [EFFECTIVE UPON PASSAGE]: **Sec. 12.1. IC 3-14-1-18 defines a**
7 **crime concerning dissemination of fabricated media.**

8 SECTION 3. **An emergency is declared for this act."**

9 Delete pages 2 through 6.

(Reference is to HB 1133 as reprinted January 24, 2024.)