

PROPOSED AMENDMENT

HB 1133 # 10

DIGEST

Civil action. Requires any media material that contains fabricated media depicting an elected official to contain a disclosure. Establishes requirements for the disclosure. Creates a civil cause of action if fabricated media is disseminated without the requisite disclosure.

- 1 Page 6, between lines 19 and 20, begin a new paragraph and insert:
2 "SECTION 1. IC 34-6-2-44.9 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE UPON PASSAGE]: **Sec. 44.9. "Fabricated media", for**
5 **purposes of IC 34-15-6, has the meaning set forth in IC 3-9-3-0.3.**
6 SECTION 2. IC 34-15-6 IS ADDED TO THE INDIANA CODE AS
7 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
8 PASSAGE]:
9 **Chapter 6. Cause of Action: Fabricated Media**
10 **Sec. 1. (a) Any media material that contains fabricated media**
11 **depicting an elected official must include a disclaimer that states,**
12 **"Media depicting the elected official has been altered or artificially**
13 **generated."**
14 **(b) The disclaimer described under subsection (a), must meet**
15 **the following requirements:**
16 **(1) If the fabricated media is contained within a printed**
17 **document, the disclaimer must be printed:**
18 **(A) in a minimum of 7 point type size font; and**
19 **(B) in a color that contrasts with the background color.**
20 **(2) If the fabricated media is contained within audio media,**
21 **the disclaimer must be read:**
22 **(A) in each language used in the media;**
23 **(B) at a speed and pitch at which the disclaimer is**
24 **reasonably understandable; and**
25 **(C) at a volume that is not lower than the loudest audio**
26 **included in the media;**
27 **at the beginning of the media, at the end of the media, and, if**

1 the media is more than two (2) minutes in length, at intervals
2 of two (2) minutes for the duration of the audio media.

3 (3) If the fabricated media is contained within video media,
4 the disclaimer must be:

5 (A) printed in a manner that complies with subsection
6 (b)(2); and

7 (B) displayed continuously for the duration of the media.

8 Sec. 2. (a) An elected official who is depicted in media material
9 that:

10 (1) contains fabricated media; and

11 (2) does not include a disclaimer that meets the requirements
12 of section 1 of this chapter;

13 may bring a civil action for a violation of this chapter.

14 (b) The elected official may bring a civil action under this
15 section against the following:

16 (1) Any person that paid for the printing or the media
17 material.

18 (2) Any person that sponsored the printing or the media
19 material.

20 (3) Any person that disseminated the printing or the media
21 material, if the printing or media material originally included
22 the requisite disclaimer and the person described under this
23 subdivision altered or removed the disclaimer before
24 disseminating the media material.

25 Sec. 3. The plaintiff in an action under this chapter has the
26 burden of proving by clear and convincing evidence that the
27 plaintiff was depicted in fabricated media in the printing or media
28 material that is the subject of the action.

29 Sec. 4. If the plaintiff prevails in an action filed under this
30 chapter, the court may award the following:

31 (1) Compensatory damages.

32 (2) Injunctive relief.

33 (3) Attorney's fees and costs incurred in the prosecution of the
34 action.

35 Sec. 5. The court must expedite a hearing for a cause of action
36 brought under this chapter."

37 Renumber all SECTIONS consecutively.

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