

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0168.04 Alison Killen x4350

HOUSE BILL 24-1147

HOUSE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING THE USE OF A DEEPAKE IN A COMMUNICATION RELATED**
102 **TO A CANDIDATE FOR ELECTIVE OFFICE, AND, IN CONNECTION**
103 **THEREWITH, REQUIRING DISCLOSURE, PROVIDING FOR**
104 **ENFORCEMENT, AND CREATING A PRIVATE CAUSE OF ACTION**
105 **FOR CANDIDATES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates a statutory scheme to regulate the use of deepfakes produced using generative artificial intelligence (AI) in communications

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

about candidates for elective office. **Sections 1 and 2** of the bill expand the existing authority of an administrative hearing officer under the "Fair Campaign Practices Act" (act) to impose civil penalties for distribution of a communication that includes a deepfake related to a candidate for elective office in violation of the provisions of **section 3**.

Section 3 prohibits the distribution of a communication that includes an undisclosed deepfake with actual malice as to the deceptiveness or falsity of the communication related to a candidate for public office. **Section 3** also defines "AI", "deepfake", and the requirements for a clear, conspicuous, and understandable disclosure statement regarding a deepfake that are necessary to avoid a violation of the new prohibition. In addition to meeting the specific statutory requirements for a clear and conspicuous disclosure statement, the disclosure statement must be included in the communication's metadata and, to the extent technically feasible, must be permanent or unable to be easily removed by subsequent users. The disclosure statement must also conform to any subsequent requirements established by the secretary of state through rulemaking.

Any person who believes there has been a violation of the statutory or regulatory requirements for disclosure of the use of a deepfake in a communication concerning a candidate for elective office may file a complaint with the office of the secretary of state (secretary). The secretary shall hear such complaints in accordance with the secretary's existing complaint and administrative hearing procedures under the act, and punish such complaints in accordance with **sections 1 and 2**.

Additionally, a candidate who is the subject of a communication that includes a deepfake and does not comply with the disclosure requirements may bring a civil action for injunction or for general or special damages or both. In either type of action, the plaintiff-candidate must prove the defendant's actual malice as to the falsity or deceptiveness of the communication that includes the deepfake by clear and convincing evidence, consistent with established case law principles related to the right of free speech.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 1-45-111.5, **add**
3 (1.5)(c.5) as follows:

4 **1-45-111.5. Duties of the secretary of state - enforcement -**
5 **sanctions - definitions.** (1.5) (c.5) IN ADDITION TO AND WITHOUT
6 PREJUDICE TO ANY OTHER PENALTY AUTHORIZED UNDER THIS ARTICLE 45,

1 A HEARING OFFICER SHALL IMPOSE A CIVIL PENALTY AS FOLLOWS:

2 (I) AT LEAST ONE HUNDRED DOLLARS FOR EACH VIOLATION THAT
3 IS A FAILURE TO INCLUDE A DISCLOSURE STATEMENT IN ACCORDANCE
4 WITH SECTION 1-46-103 (2), IF THE VIOLATION DOES NOT INVOLVE ANY
5 PAID ADVERTISING OR OTHER SPENDING TO PROMOTE OR ATTRACT
6 ATTENTION TO A COMMUNICATION PROHIBITED BY SECTION 1-46-103 (1),
7 OR SUCH OTHER HIGHER AMOUNT THAT, BASED ON THE DEGREE OF
8 DISTRIBUTION AND PUBLIC EXPOSURE TO THE UNLAWFUL
9 COMMUNICATION, THE HEARING OFFICER DEEMS APPROPRIATE TO DETER
10 FUTURE VIOLATIONS OF SECTION 1-46-103; AND

11 (II) AT LEAST TEN PERCENT OF THE AMOUNT PAID OR SPENT TO
12 ADVERTISE, PROMOTE, OR ATTRACT ATTENTION TO A COMMUNICATION
13 PROHIBITED BY SECTION 1-46-103 (1) THAT DOES NOT INCLUDE A
14 DISCLOSURE STATEMENT IN ACCORDANCE WITH SECTION 1-46-103 (2), OR
15 SUCH OTHER HIGHER AMOUNT THAT, BASED ON THE DEGREE OF
16 DISTRIBUTION AND PUBLIC EXPOSURE TO THE UNLAWFUL
17 COMMUNICATION, THE HEARING OFFICER DEEMS APPROPRIATE TO DETER
18 FUTURE VIOLATIONS OF SECTION 1-46-103.

19 **SECTION 2.** In Colorado Revised Statutes, 1-45-111.7, **amend**
20 (2)(a) as follows:

21 **1-45-111.7. Campaign finance complaints - initial review -**
22 **curing violations - investigation and enforcement - hearings -**
23 **advisory opinions - document review - collection of debts resulting**
24 **from campaign finance penalties - definitions. (2) Filing complaints.**

25 (a) Any person who believes that a violation has occurred of article
26 XXVIII, this article 45, ARTICLE 46 OF THIS TITLE 1, or the rules may file
27 a complaint with the secretary.

1 **SECTION 3.** In Colorado Revised Statutes, **add** article 46 to title
2 1 as follows:

3 **ARTICLE 46**

4 **Failure To Disclose A Deepfake In A Communication Concerning**
5 **A Candidate For Elective Office**

6 **1-46-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY
7 FINDS AND DECLARES THAT:

8 (a) THE REVOLUTIONARY INNOVATIONS IN GENERATIVE ARTIFICIAL
9 INTELLIGENCE SYSTEMS CAPABLE OF PRODUCING IMAGE, AUDIO, VIDEO,
10 AND MULTIMEDIA CONTENT (AI-GENERATED CONTENT) POSE A THREAT TO
11 FREE AND FAIR ELECTIONS IN THE STATE;

12 (b) AI-GENERATED CONTENT MAY BE USED TO CREATE DEEPFAKES
13 THAT FALSELY DEPICT A CANDIDATE'S SPEECH OR ACTION IN ORDER TO
14 SPREAD MISINFORMATION AND DISINFORMATION AT SCALE AND WITH
15 UNPRECEDENTED SPEED;

16 (c) FREE AND FAIR ELECTIONS REQUIRE TRANSPARENCY AND
17 ACCOUNTABILITY INCLUDING WITH REGARDS TO WHETHER THE CONTENT
18 OF A COMMUNICATION CONCERNING A CANDIDATE FOR ELECTIVE OFFICE
19 REFLECTS REALITY OR CONTAINS A DEEPFAKE PRODUCED USING
20 GENERATIVE AI; █

21 (d) REQUIRING THAT CERTAIN DISCLOSURES BE MADE IN A
22 COMMUNICATION CONCERNING A CANDIDATE FOR ELECTIVE OFFICE THAT
23 INCLUDES A DEEPFAKE, AND PROVIDING MEANS OF ENFORCING THOSE
24 REQUIREMENTS, IS CRITICAL TO ENSURE THAT THE VOTERS OF COLORADO
25 CAN MAKE TRULY INFORMED VOTING DECISIONS, GIVING DUE WEIGHT TO
26 EACH SOURCE OF INFORMATION INCLUDING THAT WHICH THEY KNOW TO
27 BE A **DEEPFAKE**;

1 (e) A DEEPPFAKE IS ANALOGOUS TO A PERSON BEING FORCED TO
2 SAY SOMETHING IN A VIDEO RECORDED UNDER DURESS, WHERE THE VICTIM
3 APPEARS TO SAY SOMETHING THEY WOULD NOT NORMALLY SAY, ONE
4 THROUGH FORCE AND THE OTHER THROUGH DEEPPFAKE TECHNOLOGY. A
5 VOTER'S OPINION OF A CANDIDATE MAY BE IRREPARABLY TAINTED BY A
6 FABRICATED REPRESENTATION OF A CANDIDATE OR ELECTED OFFICIAL
7 SAYING OR DOING SOMETHING THEY WOULD NEVER, IN REALITY, SAY OR
8 DO. THESE FALSE, NEGATIVE PORTRAYALS MAY EXIST INDEFINITELY ONCE
9 POSTED ON THE INTERNET AND PERMANENTLY DAMAGE A CANDIDATE OR
10 ELECTED OFFICIAL'S REPUTATION AND EVEN PUT THEIR SAFETY AT RISK.

11 (f) THESE TACTICS COULD GIVE RISE TO VOTER CONFUSION AND
12 DEGRADE CONFIDENCE IN THE ELECTORAL PROCESS. ACCORDINGLY, THE
13 STATE MUST CONTINUE TO WORK HARD TO LIMIT THE THREATS AND
14 IMPACTS OF DEEPPFAKES ON VOTERS. THIS LEGISLATION IS A SMALL STEP
15 TOWARDS SOLVING A LARGER PROBLEM OF THE PROLIFERATION OF
16 GENERATIVE ARTIFICIAL INTELLIGENCE IN OUR ELECTIONS AND BEYOND.

17 **1-46-102. Definitions.** AS USED IN THIS ARTICLE 46, UNLESS THE
18 CONTEXT OTHERWISE REQUIRES:

19 (1) (a) "AI-GENERATED CONTENT" MEANS IMAGE, VIDEO, AUDIO,
20 MULTIMEDIA, OR TEXT CONTENT THAT IS SUBSTANTIALLY CREATED OR
21 MODIFIED BY GENERATIVE ARTIFICIAL INTELLIGENCE SUCH THAT THE USE
22 OF GENERATIVE ARTIFICIAL INTELLIGENCE ALTERS THE MEANING OR
23 SIGNIFICANCE THAT A REASONABLE PERSON WOULD TAKE AWAY FROM THE
24 CONTENT.

25 (b) "AI-GENERATED CONTENT" DOES NOT INCLUDE IMAGE, VIDEO,
26 AUDIO, MULTIMEDIA, OR TEXT CONTENT THAT IS MINIMALLY EDITED,
27 ADJUSTED, OR ENHANCED BY GENERATIVE ARTIFICIAL INTELLIGENCE SUCH

1 THAT THE USE OF GENERATIVE ARTIFICIAL INTELLIGENCE DOES NOT
2 MATERIALLY ALTER THE MEANING OR SIGNIFICANCE THAT A REASONABLE
3 PERSON WOULD TAKE AWAY FROM THE CONTENT.

4 (2) (a) "CANDIDATE" HAS THE SAME MEANING AS SET FORTH IN
5 SECTION 2 (2) OF ARTICLE XXVIII OF THE STATE CONSTITUTION; EXCEPT
6 THAT, "CANDIDATE" ALSO INCLUDES ANY PERSON WHO SEEKS NOMINATION
7 OR ELECTION TO ANY FEDERAL PUBLIC OFFICE IN THIS STATE.

8 (b) FOR PURPOSES OF THIS ARTICLE 46, "CANDIDATE" ALSO
9 INCLUDES AN INCUMBENT OR CURRENT OFFICE HOLDER.

10 (3) "DEEPAKE" MEANS AN IMAGE, VIDEO, AUDIO, OR MULTIMEDIA
11 AI-GENERATED CONTENT THAT FALSELY APPEARS TO BE AUTHENTIC OR
12 TRUTHFUL AND WHICH FEATURES A DEPICTION OF AN INDIVIDUAL
13 APPEARING TO SAY OR DO SOMETHING THE INDIVIDUAL DID NOT SAY OR DO
14 WITHOUT THE PERSON'S CONSENT.

15 (4) "GENERATIVE ARTIFICIAL INTELLIGENCE" OR "GENERATIVE AI"
16 MEANS AN ARTIFICIAL INTELLIGENCE SYSTEM CAPABLE OF GENERATING
17 NOVEL IMAGE, VIDEO, AUDIO, MULTIMEDIA, OR TEXT CONTENT BASED ON
18 PROMPTS OR OTHER FORMS OF DATA PROVIDED BY A PERSON.

19 (5) "METADATA" MEANS STRUCTURAL OR DESCRIPTIVE
20 INFORMATION ABOUT DATA SUCH AS CONTENT, FORMAT, SOURCE, RIGHTS,
21 ACCURACY, PROVENANCE, PERIODICITY, GRANULARITY, PUBLISHER OR
22 RESPONSIBLE PARTY, CONTACT INFORMATION, METHOD OF COLLECTION,
23 AND OTHER DESCRIPTIONS.

24 (6) "OFFICE" MEANS THE OFFICE OF THE SECRETARY OF STATE, OR
25 THE SECTION OR DIVISION OF THE OFFICE OF THE SECRETARY OF STATE
26 ADMINISTERING THE ELECTION LAWS OF THIS STATE PURSUANT TO SECTION
27 1-1-107 (4).

1 (7) "PERSON" HAS THE SAME MEANING AS SET FORTH IN SECTION
2 1-13-109 (3).

3 **1-46-103. Use of deepfakes in a communication concerning a**
4 **candidate for elective office - disclosure requirements - limitations -**
5 **rules.** (1) EXCEPT AS PROVIDED IN SUBSECTIONS (2) AND (3) OF THIS
6 SECTION, NO PERSON SHALL DISTRIBUTE, DISSEMINATE, PUBLISH,
7 BROADCAST, TRANSMIT, OR DISPLAY A COMMUNICATION CONCERNING A
8 CANDIDATE FOR ELECTIVE OFFICE THAT INCLUDES A DEEPFAKE WITH
9 ACTUAL MALICE AS TO THE FALSITY OR DECEPTIVENESS OF THE
10 COMMUNICATION.

11 (2) (a) THE PROHIBITION IN SUBSECTION (1) OF THIS SECTION DOES
12 NOT APPLY TO A COMMUNICATION THAT INCLUDES A DISCLOSURE STATING,
13 IN A CLEAR AND CONSPICUOUS MANNER, THAT: "THIS
14 (IMAGE/AUDIO/VIDEO/MULTIMEDIA) HAS BEEN EDITED AND DEPICTS
15 SPEECH OR CONDUCT THAT FALSELY APPEARS TO BE AUTHENTIC OR
16 TRUTHFUL."

17 (b) A DISCLOSURE REQUIRED UNDER THIS SECTION IS CONSIDERED
18 TO BE MADE IN A CLEAR AND CONSPICUOUS MANNER IF THE DISCLOSURE
19 MEETS THE FOLLOWING REQUIREMENTS:

20 (I) IN A VISUAL COMMUNICATION, THE TEXT OF THE DISCLOSURE
21 STATEMENT APPEARS IN A FONT SIZE NO SMALLER THAN THE LARGEST
22 FONT SIZE OF OTHER TEXT APPEARING IN THE VISUAL COMMUNICATION. IF
23 THE VISUAL COMMUNICATION DOES NOT INCLUDE ANY OTHER TEXT, THE
24 DISCLOSURE STATEMENT APPEARS IN A FONT SIZE THAT IS EASILY
25 READABLE BY THE AVERAGE VIEWER.

26 (II) IN AN AUDIO COMMUNICATION, THE DISCLOSURE STATEMENT
27 SHALL BE READ IN A CLEARLY SPOKEN MANNER IN THE SAME PITCH,

1 SPEED, LANGUAGE, AND VOLUME AS THE MAJORITY OF THE AUDIO
2 COMMUNICATION, AT THE BEGINNING OF THE AUDIO COMMUNICATION, AT
3 THE END OF THE AUDIO COMMUNICATION, AND, IF THE AUDIO
4 COMMUNICATION IS GREATER THAN TWO MINUTES IN LENGTH,
5 INTERSPERSED WITHIN THE AUDIO COMMUNICATION AT INTERVALS OF NOT
6 MORE THAN ONE MINUTE EACH;

7
8 (III) THE METADATA OF THE COMMUNICATION INCLUDES THE
9 DISCLOSURE STATEMENT, THE IDENTITY OF THE TOOL USED TO CREATE THE
10 DEEPPAKE, AND THE DATE AND TIME THE DEEPPAKE WAS CREATED;

11 (IV) THE DISCLOSURE STATEMENT IN THE COMMUNICATION,
12 INCLUDING THE DISCLOSURE STATEMENT IN ANY METADATA, IS, TO THE
13 EXTENT TECHNICALLY FEASIBLE, PERMANENT OR UNABLE TO BE EASILY
14 REMOVED BY A SUBSEQUENT USER;

15 (V) THE COMMUNICATION COMPLIES WITH ANY ADDITIONAL
16 REQUIREMENTS FOR THE DISCLOSURE STATEMENT THAT THE SECRETARY
17 OF STATE MAY ADOPT BY RULE TO ENSURE THAT THE DISCLOSURE
18 STATEMENT IS PRESENTED IN A CLEAR AND CONSPICUOUS AND
19 UNDERSTANDABLE MANNER; AND

20 (VI) IN A BROADCAST OR ONLINE VISUAL OR AUDIO
21 COMMUNICATION THAT INCLUDES A STATEMENT REQUIRED BY
22 SUBSECTION (2) OF THIS SECTION, THE STATEMENT SATISFIES ALL
23 APPLICABLE REQUIREMENTS, IF ANY, PROMULGATED BY THE FEDERAL
24 COMMUNICATIONS COMMISSION FOR SIZE, DURATION, AND PLACEMENT.

25 (3) THIS SECTION IS SUBJECT TO THE FOLLOWING LIMITATIONS:
26 (a) THIS SECTION DOES NOT ALTER OR NEGATE ANY RIGHTS,
27 OBLIGATIONS, OR IMMUNITIES OF AN INTERACTIVE SERVICE PROVIDER IN

1 ACCORDANCE WITH 47 U.S.C. SEC. 230, AS AMENDED, AND SHALL
2 OTHERWISE BE CONSTRUED IN A MANNER CONSISTENT WITH FEDERAL LAW;

3 (b) THIS SECTION DOES NOT APPLY TO A RADIO OR TELEVISION
4 BROADCASTING STATION, INCLUDING A CABLE OR SATELLITE TELEVISION
5 OPERATOR, PROGRAMMER, OR PRODUCER THAT BROADCASTS A
6 COMMUNICATION THAT INCLUDES A DEEPPFAKE PROHIBITED BY
7 SUBSECTION (1) OF THIS SECTION AS PART OF A BONA FIDE NEWSCAST,
8 NEWS INTERVIEW, NEWS DOCUMENTARY, OR ON-THE-SPOT COVERAGE OF
9 A BONA FIDE NEWS EVENT, IF THE BROADCAST OR PUBLICATION CLEARLY
10 ACKNOWLEDGES THROUGH CONTENT OR A DISCLOSURE, IN A MANNER
11 THAT CAN BE EASILY HEARD AND UNDERSTOOD OR READ BY THE AVERAGE
12 LISTENER OR VIEWER, THAT THERE ARE QUESTIONS ABOUT THE
13 AUTHENTICITY OF THE DEEPPFAKE IN THE COMMUNICATION;

14 (c) THIS SECTION DOES NOT APPLY TO A RADIO OR TELEVISION
15 BROADCASTING STATION, INCLUDING A CABLE OR SATELLITE TELEVISION
16 OPERATOR, PROGRAMMER, OR PRODUCER, WHEN THE STATION IS PAID TO
17 BROADCAST A COMMUNICATION THAT INCLUDES A DEEPPFAKE;

18 (d) THIS SECTION DOES NOT APPLY TO AN INTERNET WEBSITE, OR
19 A REGULARLY PUBLISHED NEWSPAPER, MAGAZINE, OR OTHER PERIODICAL
20 OF GENERAL CIRCULATION, INCLUDING AN INTERNET OR ELECTRONIC
21 PUBLICATION, THAT ROUTINELY CARRIES NEWS AND COMMENTARY OF
22 GENERAL INTEREST AND THAT PUBLISHES A COMMUNICATION THAT
23 INCLUDES A DEEPPFAKE PROHIBITED BY SUBSECTION (1) OF THIS SECTION,
24 IF THE PUBLICATION CLEARLY STATES THAT THE COMMUNICATION THAT
25 INCLUDES THE DEEPPFAKE DOES NOT ACCURATELY REPRESENT A
26 CANDIDATE FOR ELECTIVE OFFICE; AND

27 (e) THIS SECTION DOES NOT APPLY TO MEDIA CONTENT THAT

1 CONSTITUTES SATIRE OR PARODY OR THE PRODUCTION OF WHICH IS
2 SUBSTANTIALLY DEPENDENT ON THE ABILITY OF AN INDIVIDUAL TO
3 PHYSICALLY OR VERBALLY IMPERSONATE THE CANDIDATE AND NOT UPON
4 GENERATIVE AI OR OTHER TECHNICAL MEANS.

5 (4) THE SECRETARY OF STATE SHALL PROMULGATE SUCH RULES,
6 IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, AS MAY BE NECESSARY TO
7 ADMINISTER AND ENFORCE ANY PROVISION OF THIS ARTICLE 46.

8 **1-46-104. Enforcement - administrative hearing.** ANY PERSON
9 WHO BELIEVES THAT A VIOLATION OF SECTION 1-46-103, OR THE
10 SECRETARY OF STATE'S RULES CONCERNING THE USE OF A DEEPPAKE IN A
11 COMMUNICATION CONCERNING A CANDIDATE FOR ELECTIVE OFFICE, HAS
12 OCCURRED MAY FILE A WRITTEN COMPLAINT WITH THE OFFICE IN
13 ACCORDANCE WITH SECTION 1-45-111.7 (2). SUCH COMPLAINT SHALL BE
14 REVIEWED AND ADJUDICATED IN ACCORDANCE WITH SECTION 1-45-111.7
15 AND THE SECRETARY OF STATE'S RULES FOR COMPLAINTS AND
16 ADMINISTRATIVE HEARINGS PURSUANT TO ARTICLE 45 OF THIS TITLE 1.

17 **1-46-105. Civil action - injunctive relief - damages.** (1) A
18 CANDIDATE WHOSE APPEARANCE, ACTION, OR SPEECH IS DEPICTED IN A
19 DEEPPAKE THAT IS INCLUDED IN A COMMUNICATION DISTRIBUTED IN
20 VIOLATION OF SECTION 1-46-103 MAY:

21 (a) SEEK INJUNCTIVE OR OTHER EQUITABLE RELIEF PROHIBITING
22 THE DISTRIBUTION, DISSEMINATION, PUBLICATION, BROADCAST,
23 TRANSMISSION, OR DISPLAY OF THE COMMUNICATION, AND PREVENTING
24 THE DEFENDANT FROM OTHERWISE FURTHER VIOLATING THIS ARTICLE 46;

25 (b) BRING AN ACTION FOR COMPENSATORY AND PUNITIVE
26 DAMAGES AGAINST THE PERSON THAT DISTRIBUTED, DISSEMINATED,
27 PUBLISHED, BROADCAST, TRANSMITTED, OR DISPLAYED THE

1 COMMUNICATION;

2 (c) SEEK REASONABLE ATTORNEY FEES, FILING FEES, AND COSTS
3 OF ACTION; AND

4 (d) SEEK ANY OTHER JUST AND APPROPRIATE RELIEF NECESSARY
5 TO ENFORCE THIS ARTICLE 46 AND REMEDY THE HARM CAUSED BY THE
6 VIOLATION OF SECTION 1-46-103.

7 (2) AN ACTION COMMENCED PURSUANT TO SUBSECTION (1)(a) OF
8 THIS SECTION MUST BE HEARD BY THE DISTRICT COURT AT THE EARLIEST
9 PRACTICAL TIME.

10 (3) AN ACTION COMMENCED PURSUANT TO SUBSECTION (1)(a) OR
11 (1)(b) OF THIS SECTION DOES NOT LIMIT OR PRECLUDE A PLAINTIFF FROM
12 SECURING OR RECOVERING ANY OTHER AVAILABLE REMEDY, OR FROM
13 SEEKING TO INSTITUTE A CRIMINAL ACTION AGAINST THE DEFENDANT.

14 (4) IN ANY CIVIL ACTION ALLEGING A VIOLATION OF SECTION
15 1-46-103, THE PLAINTIFF BEARS THE BURDEN OF ESTABLISHING THE
16 VIOLATION BY CLEAR AND CONVINCING EVIDENCE.

17 **1-46-106. Limitation.** (1) NOTHING IN THIS ARTICLE 46 LIMITS OR
18 IMPAIRS IN ANY WAY THE RIGHT OF THE ATTORNEY GENERAL, OR ANY
19 PERSON OR ENTITY, TO PURSUE A LEGAL ACTION AGAINST A PERSON IN
20 CONNECTION WITH A DEEPFAKE PURSUANT TO ANY OTHER LAW, CAUSE OF
21 ACTION, TORT THEORY, OR OTHER AUTHORITY.

22 (2) NOTHING IN THIS ARTICLE 46, EXEMPTS A PERSON WHO
23 KNOWINGLY OR RECKLESSLY DISTRIBUTES, DISSEMINATES, PUBLISHES,
24 BROADCASTS, TRANSMITS, OR DISPLAYS A COMMUNICATION CONCERNING
25 A CANDIDATE FOR ELECTIVE OFFICE THAT INCLUDES A FALSE STATEMENT
26 THROUGH A DEEPFAKE FROM CRIMINAL LIABILITY IN ACCORDANCE WITH
27 SECTION 1-13-109, OR ANY OTHER APPLICABLE PROVISION OF LAW.

1 **SECTION 4. Effective date - applicability.** This act takes effect
2 July 1, 2024, and applies to communications distributed on or after said
3 date.

4 **SECTION 5. Safety clause.** The general assembly finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, or safety or for appropriations for
7 the support and maintenance of the departments of the state and state
8 institutions.