HB1147_H_SA.001

HOUSE COMMITTEE OF REFERENCE REPORT

_____   February 26, 2024
Chair of Committee   Date

Committee on State, Civic, Military, & Veterans Affairs.

After consideration on the merits, the Committee recommends the following:

HB24-1147   be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1   Amend printed bill, page 4, line 20, strike "AND".

2   Page 4, line 27, strike "DEEPFAKE." and substitute: "DEEPFAKE;
3   (e) A DEEPFAKE IS ANALOGOUS TO A PERSON BEING FORCED TO
4   SAY SOMETHING IN A VIDEO RECORDED UNDER DURESS, WHERE THE VICTIM
5   APPEARS TO SAY SOMETHING THEY WOULD NOT NORMALLY SAY, ONE
6   THROUGH FORCE AND THE OTHER THROUGH DEEPFAKE TECHNOLOGY. A
7   VOTER'S OPINION OF A CANDIDATE MAY BE IRREPARABLY TAINTED BY A
8   FABRICATED REPRESENTATION OF A CANDIDATE OR ELECTED OFFICIAL
9   SAYING OR DOING SOMETHING THEY WOULD NEVER, IN REALITY, SAY OR
10   DO. THESE FALSE, NEGATIVE PORTRAYALS MAY EXIST INDEFINITELY ONCE
11   POSTED ON THE INTERNET AND PERMANENTLY DAMAGE A CANDIDATE OR
12   ELECTED OFFICIAL'S REPUTATION AND EVEN PUT THEIR SAFETY AT RISK.
13   (f) THESE TACTICS COULD GIVE RISE TO VOTER CONFUSION AND
14   DEGRADE CONFIDENCE IN THE ELECTORAL PROCESS. ACCORDINGLY, THE
15   STATE MUST CONTINUE TO WORK HARD TO LIMIT THE THREATS AND
16   IMPACTS OF DEEPFAKES ON VOTERS. THIS LEGISLATION IS A SMALL STEP
17   TOWARDS SOLVING A LARGER PROBLEM OF THE PROLIFERATION OF
18   GENERATIVE ARTIFICIAL INTELLIGENCE IN OUR ELECTIONS AND BEYOND."

19   Page 6, line 25, strike "INCLUDES A DEEPFAKE CREATED".

20   Page 6, strike line 26 and substitute "HAS BEEN EDITED AND DEPICTS
21   SPEECH OR CONDUCT THAT FALSELY APPEARS TO BE AUTHENTIC OR
22   TRUTHFUL.".

23   Page 7, strike lines 10 and 11.

1 Page 7, line 12, strike "LISTENER," and substitute "SHALL BE READ IN A
2 CLEARLY SPOKEN MANNER IN THE SAME PITCH, SPEED, LANGUAGE, AND
3 VOLUME AS THE MAJORITY OF THE AUDIO COMMUNICATION,".

4 Page 7, line 15, strike "TWO MINUTES" and substitute "ONE MINUTE".

5 Page 7, strike lines 17 through 19.

6 Renumber succeeding subparagraphs accordingly.

7 Page 7, line 20, strike "COMMUNICATION, IF ANY," and substitute
8 "COMMUNICATION".

9 Page 7, line 26, strike "AND".

10 Page 8, line 4, strike "MANNER." and substitute "MANNER; AND
11   (VI)   IN A BROADCAST OR ONLINE VISUAL OR AUDIO
12 COMMUNICATION THAT INCLUDES A STATEMENT REQUIRED BY
13 SUBSECTION (2) OF THIS SECTION, THE STATEMENT SATISFIES ALL
14 APPLICABLE REQUIREMENTS, IF ANY, PROMULGATED BY THE FEDERAL
15 COMMUNICATIONS COMMISSION FOR SIZE, DURATION, AND PLACEMENT.".

16 Page 10, line 3, strike "COMMUNICATION; AND" and substitute
17 "COMMUNICATION, AND PREVENTING THE DEFENDANT FROM OTHERWISE
18 FURTHER VIOLATING THIS ARTICLE 46;".

19 Page 10, line 4, strike "GENERAL OR SPECIAL" and substitute
20 "COMPENSATORY AND PUNITIVE".

21 Page 10, line 6, strike "COMMUNICATION." and substitute
22 "COMMUNICATION;
23   (c) SEEK REASONABLE ATTORNEY FEES, FILING FEES, AND COSTS
24 OF ACTION; AND
25   (d) SEEK ANY OTHER JUST AND APPROPRIATE RELIEF NECESSARY
26 TO ENFORCE THIS ARTICLE 46 AND REMEDY THE HARM CAUSED BY THE
27 VIOLATION OF SECTION 1-46-103.".

28 Page 10, line 12, strike "REMEDY." and substitute "REMEDY, OR FROM
29 SEEKING TO INSTITUTE A CRIMINAL ACTION AGAINST THE DEFENDANT.".

30 Page 10, after line 15 insert:

31   "**1-46-106. Limitation.** (1) NOTHING IN THIS ARTICLE 46 LIMITS

1 OR IMPAIRS IN ANY WAY THE RIGHT OF THE ATTORNEY GENERAL, OR ANY
2 PERSON OR ENTITY, TO PURSUE A LEGAL ACTION AGAINST A PERSON IN
3 CONNECTION WITH A DEEPFAKE PURSUANT TO ANY OTHER LAW, CAUSE OF
4 ACTION, TORT THEORY, OR OTHER AUTHORITY.
5 (2) NOTHING IN THIS ARTICLE 46, EXEMPTS A PERSON WHO
6 KNOWINGLY OR RECKLESSLY DISTRIBUTES, DISSEMINATES, PUBLISHES,
7 BROADCASTS, TRANSMITS, OR DISPLAYS A COMMUNICATION CONCERNING
8 A CANDIDATE FOR ELECTIVE OFFICE THAT INCLUDES A FALSE STATEMENT
9 THROUGH A DEEPFAKE FROM CRIMINAL LIABILITY IN ACCORDANCE WITH
10 SECTION 1-13-109, OR ANY OTHER APPLICABLE PROVISION OF LAW.".

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