

House File 2549

H-8115

1 Amend House File 2549 as follows:

2 1. Page 1, line 20, by striking <class "D" felony> and  
3 inserting <simple misdemeanor punishable by confinement for no  
4 more than ninety days and a fine of not more than one thousand  
5 dollars>

6 2. Page 2, line 2, by striking <class "D" felony> and  
7 inserting <simple misdemeanor punishable by confinement for no  
8 more than ninety days and a fine of not more than one thousand  
9 dollars>

10 3. Page 2, by striking lines 3 through 8 and inserting:

11 <Sec. \_\_\_\_\_. NEW SECTION. **68A.507 Synthetic media —**  
12 **restrictions — penalties.**

13 1. For the purposes of this section:

14 a. "*Creator*" means a person who utilizes or deploys  
15 artificial intelligence, as defined in section 52.7, or other  
16 digital technology to generate synthetic media.

17 b. "*Deceptive and fraudulent deepfake*" means synthetic media  
18 that depicts a candidate or political party with the intent to  
19 injure the reputation of the candidate or party or otherwise  
20 deceive a voter and that does any of the following:

21 (1) Appears to a reasonable person to depict a real  
22 individual saying or doing something that did not actually  
23 occur in reality.

24 (2) Provides a reasonable person a fundamentally different  
25 understanding or impression of an appearance, action, or speech  
26 than a reasonable person would have from an unaltered, original  
27 version of an image, audio recording, or video recording.

28 c. "*Synthetic media*" means an image, an audio recording,  
29 or a video recording of an individual's appearance, action, or  
30 speech that has been created or intentionally manipulated with  
31 the use of generative adversarial network techniques or other  
32 digital technology in a manner to create a realistic but false  
33 image, audio, or video.

34 2. Except as provided in subsection 3, a person shall  
35 not, within ninety days of an election at which a candidate

1 will appear on a ballot, distribute a synthetic media message  
2 that the person knows or should have known is a deceptive and  
3 fraudulent deepfake of a candidate or party on the ballot.

4 3. Subsection 2 does not apply if the synthetic media  
5 includes a disclosure stating that the image, audio, or video  
6 has been manipulated or generated by artificial intelligence.

7 a. For visual media, the text of the disclosure shall appear  
8 in a size that is easily readable by the average viewer and  
9 no smaller than the largest font size of other text appearing  
10 in the visual media. If the visual media does not include  
11 any other text, the disclosure shall appear in a size that is  
12 easily readable by the average viewer. For visual media that  
13 is video, the disclosure shall appear for the duration of the  
14 video.

15 b. For media that consists of audio only, the disclosure  
16 shall be read in a clearly spoken manner and in a pitch that can  
17 be easily heard by the average listener, at the beginning of  
18 the audio, at the end of the audio, and, if the audio is greater  
19 than two minutes in length, interspersed within the audio at  
20 intervals of not greater than two minutes each.

21 4. This section does not apply to a radio or television  
22 broadcasting station, including a cable or satellite television  
23 operator, programmer, or producer, that broadcasts a deceptive  
24 and fraudulent deepfake prohibited by this section as part of  
25 a bona fide newscast, news interview, news documentary, or  
26 on-the-spot coverage of bona fide news events, if the broadcast  
27 clearly acknowledges through content or a disclosure, in a  
28 manner that can be easily heard or read by the average listener  
29 or viewer, that there are questions about the authenticity of  
30 the audio or visual media.

31 5. This section does not apply to a radio or television  
32 broadcasting station, including a cable or satellite television  
33 operator, programmer, or producer, when it is paid to broadcast  
34 a deceptive and fraudulent deepfake and has made a good-faith  
35 effort to establish the depiction is not a deceptive and

1 fraudulent deepfake.

2 6. This section does not apply to an internet site or a  
3 regularly published newspaper, magazine, or other periodical  
4 of general circulation, including an internet or electronic  
5 publication, that routinely carries news and commentary of  
6 general interest, and that publishes audio or visual media  
7 prohibited by this section, if the publication clearly states  
8 that the media does not accurately represent the speech or  
9 conduct of the candidate. This section also does not apply  
10 to an interactive computer service provider, cloud service  
11 provider, or internet service provider.

12 7. This section does not apply to audio or visual media that  
13 constitutes satire or parody.

14 8. Notwithstanding section 68A.701:

15 a. A candidate whose appearance, action, or speech is  
16 depicted through the use of a deceptive and fraudulent deepfake  
17 in violation of subsection 2 may seek injunctive or other  
18 equitable relief prohibiting the publication of such deceptive  
19 and fraudulent deepfake.

20 b. A person who violates subsection 2 is guilty of a simple  
21 misdemeanor punishable by confinement for no more than ninety  
22 days and a fine of not more than one thousand dollars.

23 c. A person who violates subsection 2 with the intent  
24 to cause violence or bodily harm is guilty of a serious  
25 misdemeanor.

26 d. A person who violates subsection 2 within five years of  
27 a prior conviction for a violation of subsection 2 is guilty  
28 of a class "D" felony.

29 e. A creator of a material distributed in violation of  
30 subsection 2 is guilty of a simple misdemeanor punishable by  
31 confinement for no more than ninety days and a fine of not more  
32 than one thousand dollars.>

33 4. By renumbering as necessary.

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SORENSEN of Adair

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SCHOLTEN of Woodbury