

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 3073

By: Hays and Burns of the House

and

6 Gollihare of the Senate

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9 COMMITTEE SUBSTITUTE

10 An Act relating to crimes and punishments; defining
11 terms; creating misdemeanor and felony offense for
12 the dissemination and publication of certain
13 digitization; establishing punishment for certain
14 offenses; requiring certain disclosures; creating
15 misdemeanor offense for failure to make certain
16 disclosures; establishing punishment for certain
17 offense; providing exceptions to applicability of
18 provisions; providing for codification; providing an
19 effective date; and declaring an emergency.

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22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

23 SECTION 1. NEW LAW A new section of law to be codified
24 in the Oklahoma Statutes as Section 1630 of Title 21, unless there
is created a duplication in numbering, reads as follows:

A. For purposes of this section:

1. "Digitization" means a still or video image that is altered
to appear in a realistic manner utilizing computer-generated images
or an image or images of a person other than the person depicted;

1 2. "Disseminate" means to give, provide, lend, deliver, mail,
2 send, forward, transfer, or transmit, electronically or otherwise,
3 to another person; and

4 3. "Publish" means to:

5 a. disseminate with the intent that a digitization be
6 sold by another person, or

7 b. post, present, display, exhibit, circulate, advertise,
8 or allow access to, electronically or otherwise, in
9 order to make a digitization available to the public.

10 B. An individual who disseminates or publishes a digitization
11 depicting another person's name, image, voice, or likeness without
12 written consent of the person and who attempts to deceive with the
13 intent to cause emotional, financial, or physical harm to the person
14 shall, upon conviction, be guilty of a misdemeanor punishable by a
15 fine not to exceed Five Hundred Dollars (\$500.00), imprisonment in
16 the county jail for a term not to exceed one (1) year, or by both
17 such fine and imprisonment. A second or subsequent offense shall,
18 upon conviction, be a felony punishable by a fine not to exceed Two
19 Thousand Dollars (\$2,000.00), imprisonment in the custody of the
20 Department of Corrections for a term not to exceed two (2) years, or
21 by both such fine and imprisonment.

22 C. An individual who disseminates or publishes a digitization
23 not in violation of the requirements of subsection B of this section
24 shall include a disclosure that the image is a digitization. An

1 individual who knowingly fails to comply with the requirements of
2 this subsection shall, upon conviction, be guilty of a misdemeanor
3 punishable by a fine not to exceed Five Hundred Dollars (\$500.00),
4 imprisonment in the county jail for a term not to exceed one (1)
5 year, or by both such fine and imprisonment.

6 D. The requirements of this section shall not apply to:

7 1. A radio or television broadcasting station, including a
8 cable or satellite television operator, programmer, or producer,
9 that broadcasts a digitization prohibited by this section as part of
10 a bona fide newscast, news interview, news documentary, or on-the-
11 spot coverage of bona fide news events, if the broadcast clearly
12 acknowledges through content or a disclosure, in a manner that can
13 be easily heard or read by the average listener or viewer, that
14 there are questions about the authenticity of the materially
15 deceptive audio or visual media;

16 2. A radio or television broadcasting station, including a
17 cable or satellite television operator, programmer, or producer,
18 when it is paid to broadcast a digitization and has made a good-
19 faith effort to establish the digitization is not deceptive or
20 fraudulent;

21 3. An internet website or a regularly published newspaper,
22 magazine, or other periodical of general circulation, including an
23 internet or electronic publication, that routinely carries news and
24 commentary of general interest, and that publishes digitization

1 prohibited by this section, if the publication clearly states that
2 the digitization does not accurately represent the speech or conduct
3 of the person depicted in the digitization; or

4 4. Digitization that constitutes satire or parody.

5 SECTION 2. This act shall become effective July 1, 2024.

6 SECTION 3. It being immediately necessary for the preservation
7 of the public peace, health or safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

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