

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 59th Legislature (2024)

4   HOUSE BILL 3825

                                  By: Alonso-Sandoval and **Pae**

7                                   AS INTRODUCED

8           An Act relating to elections; defining terms;  
9           prohibiting deceptive and fraudulent deepfakes of  
10          candidates for elective office; providing exception  
11          with certain disclosure; providing for certain  
          relief; providing for penalties; providing  
          exemptions; providing for codification; and providing  
          an effective date.

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

15           SECTION 1.       NEW LAW       A new section of law to be codified  
16          in the Oklahoma Statutes as Section 4263 of Title 74, unless there  
17          is created a duplication in numbering, reads as follows:

18           A.   For purposes of this section, "synthetic media" means an  
19          image, an audio recording, or a video recording of an individual's  
20          appearance, speech, or conduct that has been created or  
21          intentionally manipulated with the use of generative adversarial  
22          network techniques or other digital technology in a manner to create  
23          a realistic but false image, audio, or video.

1 B. For purposes of this section, "deceptive and fraudulent  
2 deepfake" is synthetic media that depicts a candidate or political  
3 party with the intent to injure the reputation of the candidate or  
4 party or otherwise deceive a voter and that:

5 1. Appears to a reasonable person to depict a real individual  
6 saying or doing something that did not actually occur in reality; or

7 2. Provides a reasonable person a fundamentally different  
8 understanding or impression of the appearance, action, or speech  
9 than a reasonable person would have from the unaltered, original  
10 version of the image, audio recording, or video recording.

11 C. Except as provided in subsection D of this section, a  
12 person, corporation, committee, or other entity shall not, within  
13 ninety (90) days of an election at which a candidate for elective  
14 office will appear on the ballot, distribute a synthetic media  
15 message that the person, corporation, committee, or other entity  
16 knows or should have known is a deceptive and fraudulent deepfake of  
17 a candidate or party on the state or local ballot.

18 D. 1. The prohibition in subsection C of this section shall  
19 not apply if the audio or visual media includes a disclosure  
20 stating: "This \_\_\_\_\_ (image, audio, or video) has been  
21 manipulated by technical means and depicts speech or conduct that  
22 did not occur."  
23  
24

1           2. The blank in the disclosure required by subparagraph 1 of  
2 this section shall be filled with whichever of the following terms  
3 most accurately describes the media:

- 4           a. image,
- 5           b. video, or
- 6           c. audio.

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

14           4. If the media consists of audio only, the disclosure shall be  
15 read in a clearly spoken manner and in a pitch that can be easily  
16 heard by the average listener, at the beginning of the audio, at the  
17 end of the audio, and, if the audio is greater than two (2) minutes  
18 in length, interspersed within the audio at intervals of not greater  
19 than two (2) minutes each.

20           E. 1. A candidate whose appearance, action, or speech is  
21 depicted through the use of a deceptive and fraudulent deepfake in  
22 violation of subsection C of this section may seek injunctive or  
23 other equitable relief prohibiting the publication of such deceptive  
24 and fraudulent deepfake.

1           2. A candidate whose appearance, action, or speech is depicted  
2 using a deceptive and fraudulent deepfake in violation of subsection  
3 B of this section may also bring an action for general or special  
4 damages against the sponsor. The court may award a prevailing  
5 person reasonable attorney fees and costs. This subsection does not  
6 limit or preclude a plaintiff from securing or recovering any other  
7 available remedy.

8           3. A person that violates this section is guilty of a crime as  
9 follows:

- 10           a. for a first violation, a misdemeanor punishable by  
11                 imprisonment for not more than ninety (90) days or a  
12                 fine not to exceed Five Hundred Dollars (\$500.00), or  
13                 both, and
- 14           b. if a violation occurs within five (5) years of a  
15                 previous conviction for a violation under this  
16                 section, a felony punishable by imprisonment for not  
17                 more than five (5) years or a fine of not to exceed  
18                 One Thousand Dollars (\$1,000.00), or both.

19           4. This section shall not apply to a radio or television  
20 broadcasting station, including a cable or satellite television  
21 operator, programmer, or producer, that broadcasts a deceptive and  
22 fraudulent deepfake prohibited by this section as part of a bona  
23 fide newscast, news interview, news documentary, or on-the-spot  
24 coverage of bona fide news events, if the broadcast clearly

1 acknowledges through content or a disclosure, in a manner that can  
2 be easily heard or read by the average listener or viewer, that  
3 there are questions about the authenticity of the materially  
4 deceptive audio or visual media.

5 5. This section shall not apply to a radio or television  
6 broadcasting station, including a cable or satellite television  
7 operator, programmer, or producer, when it is paid to broadcast a  
8 deceptive and fraudulent deepfake and has made a good faith effort  
9 to establish the depiction is not a deceptive and fraudulent  
10 deepfake.

11 6. This section shall not apply to an Internet website or a  
12 regularly published newspaper, magazine, or other periodical of  
13 general circulation, including an Internet or electronic  
14 publication, that routinely carries news and commentary of general  
15 interest, and that publishes materially deceptive audio or visual  
16 media prohibited by this section, if the publication clearly states  
17 that the materially deceptive audio or visual media does not  
18 accurately represent the speech or conduct of the candidate.

19 7. This section shall not apply to materially deceptive audio  
20 or visual media that constitutes satire or parody.

21 SECTION 2. This act shall become effective November 1, 2024.

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23 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT MODERNIZATION AND  
24 TECHNOLOGY, dated 02/20/2024 - DO PASS, As Coauthored.