

LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS

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FISCAL IMPACT STATEMENT

LS 6765

BILL NUMBER: HB 1225

NOTE PREPARED: Dec 28, 2023

BILL AMENDED:

SUBJECT: Use of Fabricated Media.

FIRST AUTHOR: Rep. Miller K

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: *Definition of Fabricated Media*– The bill defines "fabricated media" as recorded audio, a recorded image, or recorded video of an individual's speech, appearance, or conduct: (1) that has been altered without the individual's consent such that: (A) the media conveys a materially inaccurate depiction of the individual's speech, appearance, or conduct; and (B) a reasonable person would be unable to recognize that the recording has been altered; or (2) in which an artificially generated audio or video imitation of an individual that: (A) has been created without the individual's consent; and (B) is sufficiently lifelike that a reasonable person would be unable to distinguish the speech or appearance of the imitation from the speech or appearance of the individual; is used to convey a fictional depiction of the individual's speech, appearance, or conduct.

Criminal and Civil Adjudication– The bill provides that a person who pays for or sponsors a political campaign advertisement that: (1) expressly advocates for the defeat of a clearly identified candidate; and (2) includes fabricated media that: (A) depicts the identified candidate; and (B) was created without the consent of the identified candidate; commits a Class A misdemeanor and is subject to a civil action by the identified candidate.

Attorney General Action– The bill provides that a person that pays for the creation of a publicly disseminated advertisement that: (1) includes fabricated media depicting a living individual without the consent of the individual; or (2) includes fabricated media depicting a deceased individual without the consent of the person entitled to exercise and enforce the individual's rights of publicity; commits a deceptive act that is actionable by the Attorney General and is subject to a civil action by the individual or by the person entitled to exercise and enforce the individual's rights of publicity.

Effective Date: July 1, 2024.

Explanation of State Expenditures: *Attorney General Action*– The Attorney General (AG) may bring an action to enjoin a consumer sales deceptive act. The AG may also seek to enjoin patterns of incurable deceptive acts with respect to consumer transactions in real property. It is likely the AG’s existing staff and resource levels would be sufficient in carrying out any additional actions the bill may cause.

Explanation of State Revenues: *Deceptive Acts* - If the number of deceptive acts increases, revenue to the General Fund would also increase. Under current law, a civil penalty of \$500 is assessed per deceptive act. A penalty of \$5,000 is assessed for each deceptive act committed knowingly. Actual revenue increases are indeterminable.

Criminal Penalty– If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. The total fee revenue per case would range between \$113 and \$135. The amount of court fees deposited will vary depending on whether the case is filed in a court of record or a municipal court. The following linked document describes the fees and distribution of the revenue: [Court fees imposed in criminal, juvenile, and civil violation cases.](#)

Civil Action– If additional civil cases occur and court fees are collected, revenue to the state General Fund will increase. The total revenue per case would range between \$100 and \$122. The amount deposited will vary depending on whether the case is filed in a court of record or a municipal court. The following linked document describes the fees and distribution of the revenue: [Court fees imposed in civil, probate, and small claims cases.](#)

Explanation of Local Expenditures: *Criminal Penalty*– A Class A misdemeanor is punishable by up to one year in jail. The average cost per day to incarcerate a prisoner is approximately \$64.53 based on the per diem payments reported by U.S. Marshals to house federal prisoners in 11 county jails across Indiana during CY 2021.

Explanation of Local Revenues: *Criminal Penalty*– If additional court actions occur and a guilty verdict is entered, more revenue will be collected by certain local units. If the case is filed in a court of record, the county general fund will receive \$47.40 and qualifying municipalities will receive a share of \$3.60. If the case is filed in a municipal court, the county receives \$30, and the municipality will receive \$46. The following linked document describes the fees and distribution of the revenue: [Court fees imposed in criminal, juvenile, and civil violation cases.](#)

Civil Action– If additional cases occur, revenue will be collected by certain local units. If the case is filed in a court of record, the county will receive \$32 and qualifying municipalities will receive a share of \$3. If the case is filed in a municipal court, the county receives \$20, and the municipality will receive \$37. The following linked document describes the fees and distribution of the revenue: [Court fees imposed in civil, probate, and small claims cases.](#)

State Agencies Affected: Attorney General.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: IC 24-5-0.5-4; Indiana Supreme Court, Indiana Trial Court Fee Manual.

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