

HOUSE BILL No. 1283

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-9-3.

Synopsis: Use of altered media in elections. 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 visual 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; the creation of which is substantially dependent on the use of a generative adversarial network or another generative artificial intelligence technology. Prohibits a person who finances a campaign communication from disseminating fabricated media through the communication if: (1) the person knows, or reasonably should know, that the media is fabricated media; (2) the fabricated media depicts an individual who: (A) is a candidate in an election occurring not more than 90 days after the date on which the fabricated media is disseminated; and (B) has not consented to dissemination of the fabricated media; (3) the purpose of the dissemination is injuring a candidate in the election or influencing the outcome of the election; and (4) the fabricated media does not include a disclaimer that meets specified requirements. Allows a candidate depicted in fabricated media disseminated by a person in violation of this prohibition to bring a civil action against the person and specifies the relief that a court may grant a prevailing plaintiff.

Effective: July 1, 2024.

Johnson B, Miller K

January 9, 2024, read first time and referred to Committee on Elections and Apportionment.



Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1283



A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-9-3-0.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2024]: **Sec. 0.3. As used in this chapter, "fabricated media"**
4 **means media:**
5 **(1) that includes an audio or visual recording of an**
6 **individual's speech, appearance, or conduct that has been**
7 **altered without the individual's consent such that:**
8 **(A) the media conveys a materially inaccurate depiction of**
9 **the individual's speech, appearance, or conduct as**
10 **recorded in the unaltered recording; and**
11 **(B) a reasonable person would be unable to recognize that**
12 **the recording has been altered; or**
13 **(2) in which an artificially generated audio or visual imitation**
14 **of an individual that:**
15 **(A) has been created without the individual's consent; and**
16 **(B) is sufficiently lifelike that a reasonable person would be**
17 **unable to distinguish the speech or appearance of the**



1 imitation from the speech or appearance of the individual;
 2 is used to convey a fictional depiction of the individual's
 3 speech, appearance, or conduct;
 4 that is created through the use of a generative adversarial network
 5 or another generative artificial intelligence technology.

6 SECTION 2. IC 3-9-3-0.5 IS ADDED TO THE INDIANA CODE
 7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 8 1, 2024]: **Sec. 0.5. As used in this chapter, "media" means:**

- 9 (1) recorded audio;
 10 (2) a recorded image; or
 11 (3) recorded video.

12 SECTION 3. IC 3-9-3-2.6 IS ADDED TO THE INDIANA CODE
 13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 14 1, 2024]: **Sec. 2.6. (a) This section applies to a person who makes an
 15 expenditure for the purpose of financing a communication:**

- 16 (1) expressly advocating the election or defeat of a clearly
 17 identified candidate; or
 18 (2) soliciting a contribution;

19 through any form of media.

20 **(b) A person may not disseminate fabricated media through a
 21 communication described in subsection (a) if:**

- 22 (1) the person knows, or reasonably should know, that the
 23 media is fabricated media;
 24 (2) the fabricated media depicts an individual who:
 25 (A) is a candidate in an election occurring not more than
 26 ninety (90) days after the date on which the fabricated
 27 media is disseminated; and
 28 (B) has not consented to dissemination of the fabricated
 29 media;

30 (3) the person disseminates the fabricated media for the
 31 purpose of:

- 32 (A) injuring the candidate or the political party the
 33 candidate represents; or
 34 (B) influencing the outcome of the election;

35 as described in subdivision (2); and

36 (4) the fabricated media does not include a disclaimer that
 37 meets the following requirements:

38 (A) The disclaimer must state: "This media has been
 39 manipulated or generated by artificial intelligence."

40 (B) If the media is a recorded image and is included in
 41 printed materials, the disclaimer must be printed in a
 42 manner that complies with section 2.5(e) of this chapter.



- 1 (C) If the media is in the form of recorded audio, the
2 disclaimer must be read:
3 (i) in each language used in the media;
4 (ii) at a speed and pitch at which the disclaimer is
5 reasonably understandable; and
6 (iii) at a volume that is not lower than the loudest audio
7 included in the media;
8 at the beginning of the media, at the end of the media, and,
9 if the media is more than two (2) minutes in length, at
10 intervals of two (2) minutes for the duration of the media.
11 (D) If the media is in the form of recorded video, the
12 disclaimer must be:
13 (i) printed in a manner that complies with section 2.5(e)
14 of this chapter; and
15 (ii) displayed continuously for the duration of the media.
16 (c) A candidate depicted in fabricated media disseminated by a
17 person in violation of subsection (b) may bring a civil action
18 against the person.
19 (d) A plaintiff who prevails in an action brought under
20 subsection (c) is entitled to recover:
21 (1) the plaintiff's actual damages;
22 (2) injunctive relief; and
23 (3) the amount of any court costs and reasonable attorney's
24 fees incurred by the plaintiff in connection with the action.
25 The court may, at the court's discretion, award a prevailing
26 plaintiff special or punitive damages.

