

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 4029

(SENATE AUTHORS: MAYE QUADE, Rest, Boldon and Westlin)

DATE
02/22/2024

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Introduction and first reading
Referred to Judiciary and Public Safety

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to public safety; modifying the deep fake election crime; amending
1.3 Minnesota Statutes 2023 Supplement, section 609.771, subdivisions 1, 2, 4, by
1.4 adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2023 Supplement, section 609.771, subdivision 1, is amended
1.7 to read:

1.8 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
1.9 meanings given.

1.10 (b) "Candidate" means an individual who seeks nomination or election to a federal,
1.11 statewide, legislative, judicial, or local office including special districts, school districts,
1.12 towns, home rule charter and statutory cities, and counties.

1.13 (c) "Deep fake" means any video recording, motion-picture film, sound recording,
1.14 electronic image, or photograph, or any technological representation of speech or conduct
1.15 substantially derivative thereof:

1.16 (1) that is so realistic that a reasonable person would:

1.17 (i) believe it depicts speech or conduct of an individual who did not in fact engage in
1.18 such speech or conduct; or

1.19 (ii) have a fundamentally and materially different understanding of the substance or
1.20 meaning of the content of the speech or conduct compared to the unaltered, original version;

1.21 and

2.1 (2) the production of which was substantially dependent upon technical means, rather
2.2 than the ability of another individual to physically or verbally impersonate such individual.

2.3 (d) "Depicted individual" means an individual in a deep fake who appears to be engaging
2.4 in speech or conduct in which the individual did not engage.

2.5 **EFFECTIVE DATE.** This section is effective July 1, 2024, and applies to crimes
2.6 committed on or after that date.

2.7 Sec. 2. Minnesota Statutes 2023 Supplement, section 609.771, subdivision 2, is amended
2.8 to read:

2.9 Subd. 2. **Use of deep fake to influence an election; violation.** (a) A person who
2.10 disseminates a deep fake or enters into a contract or other agreement to disseminate a deep
2.11 fake is guilty of a crime and may be sentenced as provided in subdivision 3 if the person
2.12 knows or reasonably should know that the item being disseminated is a deep fake and
2.13 dissemination:

2.14 (1) takes place within 30 days before a political party nominating convention, presidential
2.15 primary, state primary, local primary, special primary, or special election, or 90 days before
2.16 an a general election;

2.17 (2) is made without the consent of the depicted individual; and

2.18 (3) is made with the intent to injure a candidate or influence the result of an election.

2.19 (b) A website; social media platform; regularly published newspaper, magazine, or other
2.20 periodical, including an Internet or electronic publication; a radio or television broadcasting
2.21 station, including a cable or satellite television operator, programmer, or producer; or a
2.22 streaming service is not in violation of this section if the entity's only role is to distribute
2.23 political advertisements that are prohibited by this section.

2.24 **EFFECTIVE DATE.** This section is effective July 1, 2024, and applies to crimes
2.25 committed on or after that date.

2.26 Sec. 3. Minnesota Statutes 2023 Supplement, section 609.771, subdivision 4, is amended
2.27 to read:

2.28 Subd. 4. **Injunctive relief.** A cause of action for injunctive or equitable relief may be
2.29 maintained against any person who is reasonably believed to be about to violate or who is
2.30 in the course of violating this section by:

2.31 (1) the attorney general;

3.1 (2) a county attorney or city attorney;

3.2 (3) the depicted individual; or

3.3 (4) a candidate for nomination or election to a public office who is injured or likely to
3.4 be injured by dissemination.

3.5 **EFFECTIVE DATE.** This section is effective July 1, 2024, and applies to acts committed
3.6 on or after that date.

3.7 Sec. 4. Minnesota Statutes 2023 Supplement, section 609.771, is amended by adding a
3.8 subdivision to read:

3.9 Subd. 5. **Severability.** If any provision, subdivision, sentence, clause, phrase, or word
3.10 of this section or the application of it to any person or circumstance is found to be
3.11 unconstitutional, it is declared to be severable and the balance of this section shall remain
3.12 effective notwithstanding that unconstitutionality. The legislature intends that it would have
3.13 passed this section, and each provision, subdivision, sentence, clause, phrase, or word,
3.14 regardless of the fact that any provision, subdivision, sentence, clause, phrase, or word is
3.15 declared unconstitutional.

3.16 **EFFECTIVE DATE.** This section is effective July 1, 2024.